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REVIEW OF PRIORITY THEMES

COOPERATION AND COORDINATION OF ACTIVITIES WITH OTHER UNITED NATIONS BODIES

Survey of activities carried out in the field of crime prevention and criminal justice within the United Nations system and by relevant intergovernmental and non-governmental organizations and on coordination of activities with other United Nations bodies

Report of the Secretary-General

Summary

This report informs the Commission on Crime Prevention and Criminal Justice about crime prevention and criminal justice activities carried out both within the United Nations system and by other intergovernmental and non-governmental organizations. It summarizes the reported activities according to the priority themes established by the Economic and Social Council on the recommendation of the Commission at its first session, and according to the crime prevention and criminal justice component addressed by each activity. With regard to the United Nations system, it reviews present and planned coordination activities. Recommendations are presented for the consideration of the Commission.

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INTRODUCTION

1. On the recommendation of the Commission on Crime Prevention and Criminal Justice at its first session, the Economic and Social Council adopted resolution 1992/22 of 30 July 1992. In section IV, paragraph 10, of that resolution, the Secretary-General was requested:

> "(a) To conduct a survey of activities carried out in the field of crime prevention and criminal justice within the United Nations system;
>
> "(b) To conduct a survey of activities on priority themes ... by relevant intergovernmental bodies and non-governmental organizations, including at the regional level;
>
> "(c) To prepare a report, based on an analysis of the information gathered through the above-mentioned surveys, which outlines options, with their associated budget implications, relating to the priority themes for consideration by the Commission at its second session in connection with the development of its programme of work for the period 1992-1996."

2. Pursuant to, and in implementation of, that request, a survey questionnaire was designed on the following basis:

(a) The reference to the United Nations system in paragraph 10(a) was taken to cover approximately 18 United Nations programmes, entities and specialized agencies;

(b) The relevant intergovernmental bodies and non-governmental organizations referred to in paragraph 10(b) were taken to comprise 180 intergovernmental organizations included in the list available to the Secretariat and in the roster of the Economic and Social Council;

(c) The request in paragraph 10(c) to prepare a report which outlines options, with their associated budget implications, relating to the priority themes was taken to require, following the survey, an analysis which quantifies and qualifies for the Commission the degree of interest by the responding entities in the three priority themes, and which provides a preliminary assessment, conclusions and recommendations for its consideration.

3. The Commission would thus have the opportunity to consider options in the context of the priorities of its programme of work and to discuss their relevance, scope and effectiveness. While the present report contains general options for discussion by the Commission, the inclusion of budgetary considerations is not possible until specific projects or programmes are identified.

I. CONCLUSIONS AND RECOMMENDATIONS

4. An analysis of the information collected as a result of the survey may be helpful to the Commission in drawing conclusions and in determining future action required for discharging its mandated functions. The survey results demonstrate the usefulness of mechanisms designed to collect information on a regular and recurrent basis. The Commission needs to be constantly informed of activities undertaken around the world. The establishment of such a channel

of information would serve two primary functions. First, it would enable the Commission to coordinate action more effectively, to review the priorities of the crime prevention and criminal justice programme, and to make appropriate recommendations to the Council. Second, it would assist the Commission in determining in a more accurate fashion the concerns of the international community and the areas that require particular attention.

5. The survey demonstrated that activities carried out in the field of crime prevention and criminal justice by entities both within the United Nations system and by intergovernmental and non-governmental organizations, about which information was made available through the responses to the questionnaire, are characterized by certain elements to which the Commission may wish to direct attention. Almost all activities are either designed in order to cater to specific concerns of the membership of the individual entity, or are directed towards certain regions. This is not meant to imply that such activities *per se* are not commendable. On the contrary, many are substantively well conceived and planned, and may offer innovative solutions to problems of crime prevention and criminal justice. Given their particular objectives, however, they are not designed with a view to providing adequate responses to concerns and needs of broader constituencies, in both substantive and geographical terms. Certain areas of concern, and particularly certain aspects of crime prevention and criminal justice where there are great needs on the part of a large number of Member States, are not addressed at all. It could therefore be concluded that the role reserved to the Commission by the General Assembly and the Council, acting on the recommendation of the Commission, should assume greater dimensions. The Commission, as the principal policy body of the United Nations in crime prevention and criminal justice, has been vested with a comprehensive mandate to fill the void, where there is one, and to consolidate initiatives, making them global in scope. A global perspective, tailored to provide efficient and effective responses to the needs and concerns of as many Member States as possible, is particularly necessary in order to counter all forms of transnational crime.

6. The benefits derived from the survey and the desirability of continuing this activity on a regular basis may deserve attention.

7. The question of a recurrent survey of activities in crime prevention and criminal justice is closely linked to another issue of equal importance. Recent experience has demonstrated that a considerable number of technical cooperation activities are undertaken around the world on a bilateral basis, and that their number is increasing. These activities not infrequently show signs of ill-coordination and overlapping. This leads to increased cost and, sometimes, diminishes their effectiveness and impact. It may be desirable, therefore, to identify technical cooperation activities that could be coordinated, thereby increasing their cost-effectiveness and impact.

8. The survey results lead to the conclusion that in some areas the implementation of the mandate of the Commission can be carried out by coordinating activities already undertaken in the field of crime prevention and criminal justice, and in others, by initiating action in fields which are either not covered at all or not adequately covered. Coordination of activities would produce more beneficial results if it is characterized by active involvement geared towards maximizing the scope and impact of the activities in question. This should also be one of the elements of cooperation with other entities of the United Nations system. Cooperation would be more effective if there is a genuine cross-fertilization of substantive contributions, which would

eventually eliminate considerations based on the source of financing of the relevant activities. In line with this principle of reciprocity, the Commission should invite contributions from entities possessing relevant expertise, even in cases undertaken on its own initiative.

9. Accordingly, the Commission may wish to reaffirm the priority of the provision of increased technical cooperation to Member States, upon request, both individually and in cooperative programmes with agencies and organizations. The Commission has at its disposal, within the Secretariat, and through its roster of experts, an enormous breadth of well-informed, professional competence in the field of crime prevention and criminal justice. As the guiding body of the United Nations in the field of crime prevention and criminal justice, it also has the unique capacity to consolidate the views of all Member States, as well as a global perspective on crime prevention and criminal justice matters.

10. The Commission might emphasize the importance of the programme in establishing and maintaining direct regular contacts in Member States, particularly developing ones. This is an expression of the "bridge" function which the Commission has been previously mandated to discharge, and it should be strengthened. Such a strengthening would require additional resources.

II. SURVEY DESIGN

11. Two phases were required to complete the task mandated by the Commission. The first was to survey the relevant entities and organizations. The second was to conduct a comprehensive analysis of the responses and provide the Commission with the results of this analysis.

12. Two surveys were mandated by the Council. With regard to the second survey, it was concluded that an evaluation as to whether a particular activity or programme was related to the priority themes, and if so to what degree, would best be determined upon receipt of the relevant information from the respondents.

13. In constructing a questionnaire, an operational definition of activities in the field of crime prevention and criminal justice had to be determined. Accordingly, "activities" were categorized on the basis of the following concepts:

(a) Crimes, including organized crime (economic crime, money-laundering, environmental crime, terrorism and transnational crime);

(b) Drugs;

(c) Urban crime;

(d) Computer crime;

(e) Crimes against cultural property;

(f) Violent crimes (including domestic violence);

(g) Criminal justice system components, including: victims (as in cases of instrumental use of children and the elderly); offenders (including cases of juvenile and violent criminality); law enforcement officials; courts (sentencing practices, such as plea bargaining, capital punishment and alternatives to imprisonment, as well as the role of court officials, lawyers and judges); prisons (management issues and matters relating to the acquired immunodeficiency syndrome (AIDS) and custody); and parole, probation and after-care;

(h) International agreements, including: bilateral arrangements (treaties, mutual assistance, extradition and transfer of penal sanctions); and multilateral arrangements (conventions);

(i) Crime prevention, including: governmental programmes; and non-governmental programmes (volunteers and paid staff);

(j) Management information, including: systems development; data collection; information analysis; policy development; and evaluation.

14. The survey form was designed to be comprehensive in scope, but also simple to complete, with the goal of maximizing responses. The survey form is contained in annex I to this report. Entities and organizations were requested to define each activity in two ways. First, they were asked to categorize their activities according to one or more of the crime prevention and criminal justice system components which they addressed, on the basis of the classifications provided. Second, they were requested to provide a brief narrative description of each activity, and to describe the primary functions as one of the following: training, standard-setting, coordination, research, publications, expert advice, material assistance, financial assistance and monitoring.

15. Following extensive consultations, involving also the United Nations International Drug Control Programme (UNDCP), which had relevant survey experience, the form was approved and distributed.

III. SURVEY PROCESS

16. The breakdown of the 200 entities and organizations to which the survey form was mailed is as follows: United Nations bodies and specialized agencies (31); intergovernmental organizations (41); and non-governmental organizations (128).

17. The survey schedule is attached as annex II to the present report. Written reminders were mailed on 20 October 1992. By 4 November 1992 a total of 38 responses (19 per cent), detailing approximately 60 activities or programmes, had been received. Submissions received by the Secretariat by 30 November 1992, when the preparation of the present report began, numbered 70 (35 per cent) respondents, describing 117 activities or programmes, as detailed in the following paragraphs.

IV. SURVEY RESULTS

A. Respondents

18. The survey results are reflected in the table below. Of 31 relevant entities within the United Nations system, 15 entities responded, providing information about a total of 17 activities or programmes. The response rate was 48 per cent.

Total survey responses

Respondents	United Nations and specialized agencies	Intergovernmental organizations	Non-governmental organizations	Total
Described crime prevention and criminal justice activities or programmes	9	8	21	38
Responded, but no crime prevention and criminal justice activities or programmes	6	11	15	32
Subtotal, A	15	19	36	70
Indicated a response to follow, B	0	0	4	4
Did not respond, C	16	22	88	126
Total, A, B and C	31	41	128	200

19. Of 41 intergovernmental organizations, 19 responded, providing information about a total of 41 activities or programmes. The response rate was 46 per cent.

20. Of 128 non-governmental organizations, 36 responded, providing information about a total of 59 activities or programmes. The response rate was 28 per cent.

B. Survey summary sheets

21. Three survey summary sheets, one for each group of respondents, are available to the Commission as conference room papers. They are intended to provide a visual summary of the responses received and the activities reported. The response categories will replicate the range of crime prevention and criminal justice activity categorizations available to respondents, with the addition of an "other" category which was not available to the respondents, thus permitting an assessment of the crime prevention and criminal justice activities which were interpreted by the Secretariat to be the focus of greatest attention by respondents.

22. It should be emphasized that an "other" category was added to each possible area of response in the final categorization. This addition occurred because, upon analysis of the responses, it became apparent that the "closed" response categorizations included in the survey questionnaire were not exhaustive. The range of activities carried out proved to be somewhat wider than anticipated. Accordingly, the survey summary sheets are indicative only, and any particular activity or programme should be read as a combination of

keywords or descriptors. Many activities or programmes describe more than one function, and all functional categorizations for a particular activity or programme should be read as a combined keyword summary of that activity or programme. As explained above, the "functions" which are categorized under any particular activity or programme are coded by listing the first letter of one or more of the functions which the respondent reported. These functions are the following: training; standard-setting; coordination; research; publications; expert advice; and monitoring.*

23. The following paragraphs attempt to provide some useful analysis of the responses. It should be stressed, however, that the most instructive information is to be found in the programme detail reports of the respondents themselves, and delegations are invited to consult the available source documentation. Annex III to this report lists all entities, agencies and organizations which responded on or before 30 November 1992, and indicates the number of crime prevention and criminal justice activities reported. Annex IV lists all entities, agencies and organizations to which the survey was distributed.

V. SURVEY ANALYSIS

24. It is usual for any report such as the present one, which attempts to synthesize information, to attempt to identify its acknowledged limitations. The following considerations are relevant:

(a) Entities, agencies or organizations in each category from which responses were solicited were a selection from those within the United Nations system or the roster of the Council. Nonetheless, it may be considered that there may have been omissions from each group. This, however, was the first survey conducted by the crime prevention and criminal justice programme intended to collect information about activities in the field of crime prevention and criminal justice by such a wide range of entities responding to a questionnaire. Regarding the United Nations system, the selection was made on the basis of existing knowledge and experience. It should be noted that previous efforts to collect information, in the context of attempts to coordinate relevant activities, were made by examining the medium-term plan of the Organization and the individual programme budgets of the various entities. Intergovernmental and non-governmental organizations were surveyed for the first time. Again, selection was made on the basis of the knowledge accumulated over the years, mainly through past cooperation and consultation. This knowledge was supplemented by the experience gained through the efforts of the International Scientific, Advisory and Professional Council. The experience gained from this survey will be used to refine and improve it, should the Commission decide that this process should be continued;

(b) There was one intergovernmental organization which submitted a response completed by a governmental agency, detailing national government programmes. This governmental response was not included in the totals, nor are its activities and descriptions reported. It gives rise to another matter, which the Commission may wish to consider. As a result of the end of the cold war, a multitude of initiatives have been undertaken which are intended to offer practical assistance to a number of countries in transition. Recent experience suggests that, while these efforts are commendable and valuable, there is little coordination. This results in considerable overlapping, duplication of effort and, not infrequently, a degree of confusion on the part of the recipients. The United Nations crime prevention and criminal justice programme, with its global constituency and perspective, guided by the Commission with its mandated function as the principal policy-making body of the Organization in this field, has the potential to perform coordination functions that could result in more cost-effective and efficient assistance. It might be appropriate, therefore, to expand future survey efforts in order to provide the Commission with comprehensive information on relevant activities carried out at the bilateral level, enabling it to make necessary recommendations with respect to coordination;

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*The functional categories "financial assistance" and "material assistance", which were included in the survey response form, are deleted from the survey summary sheets because none of the responding agencies or organizations reported any of these functions.

(c) The present analysis and report is based on information received by the Secretariat on or before 30 November 1992 in response to at least two mailed requests. Only information received in the requested format was considered. The deadline of 30 November 1992 was rendered necessary by the request of the Commission to have this report available six weeks prior to its second session;

(d) The substantive categorizations constructed by the Secretariat of activities in the field of crime prevention and criminal justice are not exhaustive, as evidenced by the large number of respondents who provided information that was coded into the "other" category. This is a major reason why source programme information is available and may be consulted by interested delegations. Also, there are areas which might be considered substantive but were not listed as possible categorizations. An example is the extensive number of educational activities carried out by both the International Institute of Higher Studies in Criminal Sciences, and the Office of International Criminal Justice of the University of Illinois at Chicago. Where such areas have been identified they are noted in this report.

A. Summary statements

25. A total of 117 activities were described by 38 respondents as illustrated in the table. These activities can be described in many ways. Various summary statements with respect to the priorities established by the Council are provided below. More detailed comments follow the summary statements.

26. The consistent emphasis of the Council on the provision of practical assistance to Member States seems particularly important and appropriate. Activities reported in all areas of crime prevention and criminal justice are concentrated in Europe and North America, although some programmes are reported in other regions, especially Latin America. However, this lack of reported activities may not indicate a lack of actual activities. It may be that a number of organizations exist in those areas of which the Secretariat is not aware, or that entities, agencies and organizations which were solicited for information did not receive the questionnaire or its follow-up, or did not choose to respond.

1. Priority theme A: organized crime

27. Priority theme A relates to national and transnational crime, organized crime, economic crime, including money-laundering, and the role of criminal

law in the protection of the environment. On the general topic of organized and transnational crime, including money-laundering, there are a variety of activities of the United Nations and other intergovernmental and non-governmental organizations in coordination, research, monitoring and standard-setting. These activities are targeted at appropriate national government departments generally, or at specific national agencies, for example law enforcement agencies. On the specific topic of the role of criminal law in the protection of the environment, there are considerably fewer reported activities. Outside Europe, there were no activities reported, and only one activity of a non-governmental organization concerned with research, monitoring and the provision of expert advice.

2. Priority theme B: urban, juvenile and violent criminality

28. On the general topic of crime prevention in urban areas and of juvenile and violent criminality, activities concerned with urban crime and juvenile offenders are reported, but again notably in Europe. Only one reported programme of a non-governmental organization deals generally with violent crime or violent offenders, and specifically with domestic violence.

3. Priority theme C: administration of justice

29. Priority theme C covers efficiency, fairness and improvement in the management and administration of criminal justice and related systems, with due emphasis on the strengthening of national capacities in developing countries for the regular collection, collation, analysis and utilization of data in the development and implementation of appropriate policies. On the general topic of efficiency, fairness and improvement in the management and administration of criminal justice, there are a considerable number of programmes. However, when the specific emphasis of the Council on providing practical assistance to Member States, particularly developing ones, is factored in, there are many fewer programmes offering precise, targeted assistance in the development and implementation of policies. Some respondents reported activities in standard-setting, monitoring and the provision of expert advice.

4. Other summary statements

30. As well as framing summary statements in terms of the priorities of the Council, it may be helpful to offer some general observations within other frames of reference. Specifically, it may be helpful to offer some general comments concerning crime prevention and criminal justice activities which do not seem to be addressed in the responses. It should again be noted that the available documents - the reports by the agencies and organizations themselves - should be consulted in order to derive maximum value from the survey.

(a) Crimes

31. In Europe, there are many activities concerned with crimes which can generally be regarded as organized or economic crime. When the term organized crime is also considered to include drug-related crimes, then the geographic area of programmatic concern widens, and notably includes Latin America, but not Africa or Asia. With respect to crimes against cultural property, the United Nations Educational, Scientific and Cultural Organization has a comprehensive global programme, and works closely with a number of international, regional and national agencies.

Regarding computer crimes, there were no activities reported by the United Nations system or intergovernmental organizations, and only one by a non-governmental organization. One reported programme of a non-governmental organization is concerned with violent crimes, including domestic violence, but its scope and effect are not clear.

(b) Criminal justice system components

32. There are two programmes, carried out by the same non-governmental organization, monitoring the instrumental use of children through abduction or adoption, but no reported programmes to assist victims, although there was one reported programme to prevent victimization generally, particularly of the elderly, and another programme which monitors victims in the criminal court process. With regard to offenders, there are a considerable number of European programmes concerned with juvenile offenders, particularly in the urban context, but none reported for violent offenders. As regards law enforcement officials, the International Criminal Police Organization (ICPO/Interpol) reported 16 international programmes. There are other programmes of intergovernmental and non-governmental organizations, both directly concerned with law enforcement officials, including specific types of officials (such as senior officers or those at points of entry). Coverage of sentencing practices varies: plea bargaining was not among the category of activities reported, and neither was capital punishment. Alternatives to imprisonment are a subject of concern, but mostly in Europe, although one non-governmental organization, Penal Reform International, has programmes in other regions. A number of activities reported were geared towards providing training and information to judges and lawyers. Prisons were not a major programmatic concern for the respondents, particularly the subgrouping relating to custody matters. Finally, there are two reported programmes of non-governmental organizations which concern themselves with parole, probation or after-care of offenders.

(c) International agreements

33. For obvious reasons, international agreements within the surveyed groups were primarily the concern of intergovernmental organizations, in particular the Council of Europe. However, there are also non-governmental organizations which monitor national adherence to international agreements, or, in the case of computer crime, one non-governmental organization conducts research in the area to advise on standards that might be incorporated into future international agreements.

(d) Crime prevention

34. There are few programmes in any group dealing with crime prevention as a primary activity. Among United Nations entities, the Economic and Social Commission for Western Asia reported on governmental programmes in Western Asia. One intergovernmental organization programme and two programmes of non-governmental organizations were also reported. It should be mentioned that crime prevention elements could be viewed as a part of other programmes concerned with other activities, but not in the comprehensive sense of the term. For example, one programme reported by the Inter-American Drug Abuse Control Commission deals with the prevention of crime, but primarily drug-related crimes, and is therefore coded on the survey summary sheet under the headings of both "drugs" and "crime prevention".

(e) Management information

35. A great deal of management information is being communicated between the respondents themselves and between the respondents and their constituents, particularly in information analysis and policy development, but not, with one exception, in systems development. This general area of activity generated by far the greatest number of responses. When interpreting the significance of this level of response, however, it may be important to keep in mind that respondents engaged in the processing of information on criminal justice management might have been more inclined to respond to the survey than other respondents, since the present survey, and its results, are also a kind of management information tool.

B. Specific statements

1. United Nations system

36. As stated above, 15 out of 31 United Nations entities and specialized agencies responded. The Centre for Human Rights of the Secretariat reported five programmes, and four other entities (the Department of Economic and Social Development of the Secretariat, the Social Development Division of the Economic and Social Commission for Asia and the Pacific (ESCAP), the International Civil Aviation Organization, and the World Health Organization) reported two programmes each.

37. Comparisons between the activities carried out by the United Nations system and those carried out by other intergovernmental and non-governmental organizations is rather difficult because of different approaches. In spite of these difficulties, however, conclusions can be drawn because of similarities in the scope of related activities. For example, the Centre for Human Rights reported one programme on the independence and impartiality of the judiciary, jurors and assessors, and the independence of lawyers. This programme has the functions of training, coordination and research, but the scope of each of those functions is incidental to the work of a Special Rapporteur, itself a very significant task, and primarily geared towards human rights issues. Another programme, reported by the Department of Economic and Social Development, involves training officials in developing countries concerning economic crime.

38. Some United Nations bodies reported no programmes in the field of crime prevention and criminal justice. For example, the United Nations Environment Programme (UNEP) stated that "UNEP has not been carrying out any programme specifically dealing with environmental crimes". Another example is the Office of the United Nations High Commissioner for Refugees, which reported that its "activities are not relevant to the information requested on crime prevention and criminal justice". Finally, although not having programmes themselves, two United Nations bodies reported close links with regional institutes. The Economic Commission for Latin America and the Caribbean reported that crime prevention and criminal justice activities were not part of its work programme, but noted its "solid relationship" with the Latin American Institute for the Prevention of Crime and the Treatment of Offenders. ESCAP also reported its collaboration with the Australian Institute of Criminology.

2. Intergovernmental organizations

39. As stated above, 19 out of 41 organizations responded, listing 41 activities or programmes. Three organizations have a large number of programmes: ICPO/Interpol with 16; the Council of Europe with 10; and the Inter-American Drug Abuse Control Commission with 7.

40. In the mandate for the present survey, the Council requested that activities of intergovernmental and non-governmental organizations be reported in relation to the priority themes established by the Council. Some general statements concerning these themes were given above; more specific statements now follow with respect to intergovernmental organizations.

(a) Priority theme A: organized crime

41. On the general topic of organized and transnational crime, including money-laundering, the regional intergovernmental organizations in Europe and Latin America have extensive programmes, the latter emphasizing the relationship with drug crimes. The Commission of the European Communities (CEC) and the Council of Europe together reported five programmes in this priority area, which is also included within the ambit of all seven reported programmes of the Inter-American Drug Abuse Control Commission. Ten of the 16 programmes of ICPO/Interpol also include this priority area. Finally, the Financial Action Task Force of the Organisation for Economic Co-operation and Development (OECD), which consists of all 24 OECD countries in addition to Hong Kong, Singapore, CEC and the Gulf Cooperation Council, deals with money-laundering. No programmes were reported in this priority area in Africa.

42. On the specific topic of the role of criminal law in the protection of the environment, the only reported programmes are in Europe, those of CEC and the Council of Europe. The latter has a committee of experts currently drafting a proposed convention on this topic.

(b) Priority theme B: urban, juvenile and violent criminality

43. On the general topic of crime prevention in urban areas, juvenile and violent criminality, the lack of reported programmes continues. Only one programme, conducted by the Inter-American Drug Control Abuse Commission, deals with crime prevention, and it is concerned primarily with the prevention of drug abuse.

(c) Priority theme C: administration of justice

44. On the general topic of efficiency, fairness and improvement in the management and administration of criminal justice, there are, again, a number of programmes which either directly or tangentially attempt to achieve this goal through interaction with crime prevention and criminal justice managers. Regarding management issues directly related to prisons, the Council of Europe reported a programme which aims at establishing standards by producing a European code of conduct for prison staff.

45. The lack of reported programmes in Africa should be highlighted. The Organization for African Unity did respond, and, although "no direct research" was reported, stressed that it was "looking forward to working closely with the African Institute for the Prevention of Crime and the Treatment of Offenders".

3. Non-governmental organizations

46. As stated above, 36 out of 128 non-governmental organizations responded, listing 59 programmes. Five organizations reported two programmes, and there are seven organizations with more than two programmes: the International Council for Adult Education (12); the Research Centre for Criminology and Youth Criminology of the University of Groningen (7); the Forum of the Local and Regional Authorities of Europe for Urban Security (5); the International Association of Judges (5); Penal Reform International (5); the Foundation for the Development of International Probation and Parole Practice (3); and the International Association of Airport and Seaport Police (3). As could be expected, although a greater number of non-governmental organizations reported a greater number of programmes, the programmes generally tend to be narrower in application than those of the United Nations system and intergovernmental organizations.

47. As with the intergovernmental organizations, in its mandate for the present survey the Council also asked that activities of non-governmental organizations be reported in relation to the priority themes.

(a) Priority theme A: organized crime

48. On the general topic of organized and transnational crime, including money-laundering, the non-governmental organizations, as a group, are not as active as the others. An exception is the International Association of Airport and Seaport Police, which has three programmes aimed at establishing standards, and conducting training programmes, to assist its members in reducing transnational criminal activity. The International Federation of Senior Police Officers also has a programme that deals with forgery.

49. On the specific topic of the role of criminal law in the protection of the environment, the dearth of programmes generally, and particularly outside Europe, was noted earlier. The only non-governmental organization to report any activity in this area is the International Council of Environmental Law, and its brief response does not offer details.

(b) Priority theme B: urban juvenile and violent criminality

50. On the general topic of crime prevention in urban areas and of juvenile and violent criminality, the Forum of the Local and Regional Authorities of Europe for Urban Security devotes five programmes to various aspects of urban crime, including drugs, juvenile urban crime and crimes on public transport. The International Association of Judges has undertaken an international study to determine the position of the victim in the criminal process. The Research Centre for Criminology and Youth Criminology of the University of Groningen has seven programmes dealing with youth, generally in an urban context, from both research and observational, or empirical, perspectives. The jurisdictions studied by the latter set of programmes are not specified in the response of the organization, but the programme descriptions suggest that the area is national. There is only one programme reported outside Europe, by Soroptomist International, which undertakes mainly preventive activities using a number of methodologies to reduce violence against women generally, and domestic violence in particular.

(c) Priority theme C: administration of justice

51. On the general topic of efficiency, fairness and improvement in the management and administration of criminal justice, the trend toward the largest number of programmes continues, with many organizations offering expert advice to government officials. With regard to prison management, only one non-governmental organization, the International Council for Adult Education, addresses prison managers, in the context of advocating educational opportunities for incarcerated persons.

52. Two issues deserve special attention. The first, which has been discussed briefly, relates to the agencies that responded but identified no activities within their ambit. For example, the International Law Association, reported that among its 24 committees it did not have one working "specifically in the field of international crime prevention or international criminal justice", although "it is likely that work in that field will be reactivated in due course".* The second issue relates to the exceptional educational programmes which were reported by two organizations, the International Institute of Higher Studies in Criminal Sciences, and the Office of International Criminal Justice of the University of Illinois at Chicago. These two organizations reported activities which go beyond the usual conceptions of what might be described as "management information" programmes, either because they educate a large variety of criminal justice professionals, or because they offer sophisticated programmes to future criminal justice professionals. It should be mentioned, however, that the Office of International Criminal Justice is not a non-governmental organization in the strict sense of the term, in spite of its commendable international activities.

VI. SURVEY FINDINGS

A. Priority theme A

53. The survey showed that the decision by the Council, on the recommendation of the Commission, to give prominence to the theme of organized crime was highly relevant to current developments. The concern of the international community is evidenced by a number of activities undertaken mainly by intergovernmental organizations. The scope of these activities, however, indicates that their goal is to address specific aspects of the problems caused by that type of crime.

54. It is noteworthy that fewer activities were reported from regions including countries which have a less developed infrastructure in crime prevention and criminal justice, and which are facing severe problems relating to the crimes identified under the priority theme. In addition, attention should be given to the lack of reported activities or programmes designed to promote international cooperation. Activities carried out within the United Nations system are designed to complement programmes of work covering other areas of international concern. In view of these findings, the importance of the role of the Commission becomes even greater. With the expertise that it encompasses, or has access to, its global constituency and its comprehensive view

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*This organization should not be confused with the International Bar Association, which does have a Criminal Law Committee that concerns itself with crime prevention and criminal justice activities.

of relevant issues, the Commission is in a position to consolidate the various perspectives and priorities into policies that would foster international cooperation and meet the needs of Member States in the field of crime prevention and criminal justice.

55. More specifically, the protection of the environment through criminal law is an area where the few reported programmes are regional or embryonic, where the needs of Member States have not been addressed, and where the survey suggests a possible proactive role, as well as one of leadership and promotion, for the crime prevention and criminal justice programme.

B. Priority theme B

56. Of the three priority themes, that of urban, juvenile and violent criminality has the fewest reported activities or programmes. The Commission could play a useful role in fostering within the crime prevention and criminal justice community a deeper appreciation of the substantive importance of crime prevention through a variety of programmes including education and public awareness. With regard to violent crime, the lack of reported programmes may be the result of a view prevailing in more developed regions that such crime is primarily associated with drug abuse, and can therefore be subsumed within a broader substantive area.

C. Priority theme C

57. A great deal of activity is reported in the priority area of administration of justice, but it is concentrated in more developed regions. There is a lack of reported information suggesting that, in the language of the Council, "the strengthening of national capacities in developing countries" is occurring. Moreover, even when this priority theme is addressed through activities or programmes, it does not appear to be addressed systemically. There is no indication of a specific effort to promote systemic criminal justice integration for the benefit of developing or emerging systems within a country, drawing on the collective experience of nations, by any entity or organization.

D. Observations on the survey process

58. Qualifications were expressed earlier in this report concerning the interpretation of the information presented. The following observations on the survey process and its limitations may prove useful to the Commission in providing guidance on methodologies or techniques for overcoming those limitations, should it wish to mandate similar activities in future.

(a) The survey technique developed was basically sound and effective, but requires improvement in the categorization of substantive areas. This is demonstrated in many programmes by the overlapping of what were conceived to be independently substantive areas. From a research perspective this phenomenon was not unexpected, but it does cause analytical and presentational difficulties. However, the technique of requesting agencies to categorize the functions of their programmes was helpful. There were problems in interpreting the information submitted, and there may be views as to whether the interpretations of complicated programme information were correct, but those interpretations were more accurate than would have been the case had they been made without requiring the categorization and synthesis of information by reporting agencies;

(b) With regard to presentation of the results of the survey, the Secretariat intended from the outset to prepare a document that would provide members of the Commission with a great deal of complicated programme information in a form that was easily, in particular visually, accessible. This goal has been only partly achieved because of time, technical and administrative constraints. The report is necessarily a synthesis and an interpretation, to which the survey summary sheets provide an essential supplement. Nevertheless, a wealth of information was acquired in the questionnaire responses themselves;

(c) The present report incorporates and summarizes only information that was received by 30 November 1992 in response to the survey questionnaire. Given more time, agencies that did not respond could have been contacted once again and, if necessary, interviewed. Moreover, because of a number of constraints, the survey form was distributed in English only, and, although replies were received in other languages, non-English-speaking agencies may have been deterred from responding by the failure to provide a translated text of the form. Certainly the lack of responses from both Arabic and Chinese-speaking criminal justice professionals has resulted in a great loss of data. If further surveys are mandated, it should be possible, given the preparatory work already done, to circulate questionnaires in all official languages of the United Nations.

VII. COOPERATION AND COORDINATION WITH OTHER UNITED NATIONS BODIES

A. Mandate of the Economic and Social Council

59. At its inaugural session, the Commission discussed the strengthening of coordination with, *inter alia*, United Nations bodies. It supported steps to that end in order to increase the efficiency and effectiveness of United Nations activities in areas of mutual concern. On the recommendation of the Commission, the Council called for closer contacts and increased cooperation with several United Nations bodies, in particular the Centre for Human Rights, the International Law Commission and UNDCP.

60. The present report has provided information on activities described by United Nations bodies that responded to the survey. In addition to that material, and in order to provide the Commission with more detailed information, an account is given below of initiatives that the Crime Prevention and Criminal Justice Branch of the Centre for Social Development and Humanitarian Affairs, United Nations Office at Vienna, has taken, and will continue to take, in order to fulfil the mandates of the Council.

B. Programme coordination initiatives

61. Pursuant to the above-mentioned request of the Council, the Crime Prevention and Criminal Justice Branch initiated a series of ongoing meetings with UNDCP aimed at the following specific goals:

(a) To explore the possibility of coordinating technical cooperation projects, including cooperative involvement in training activities;

(b) To exchange data, statistics and information of shared relevance to both programmes, including information concerning qualified experts available to participate in joint programmes;

(c) To cooperate in other activities, which are dealt with in a report on the implementation of Council resolution 1992/22.

62. The Council asked for coordination of various technical advisory services, including, in particular, preparations for the World Conference on Human Rights to be held at Vienna from 14 to 25 June 1993. Further to that request, the following activities have been undertaken:

(a) In July 1992, the Crime Prevention and Criminal Justice Branch cooperated with the Centre for Human Rights in the human rights fellowship programme;

(b) In September 1992, a crime prevention and criminal justice officer represented the Centre for Social Development and Humanitarian Affairs at the third session of the Preparatory Committee for the World Conference on Human Rights;

(c) In October 1992, a crime prevention and criminal justice officer participated in the planning and delivery at Bucharest of a training course for law enforcement officials, police, military and prison personnel organized by the Centre for Human Rights in cooperation with the Romanian Institute for Human Rights;

(d) In November 1992, a crime prevention and criminal justice officer participated in the planning and delivery at Tirana of a training course for law enforcement officials, police, military and prison personnel organized by the Centre for Human Rights in cooperation with the Albanian Ministry of Public Order;

(e) In November and December 1992, a crime prevention and criminal justice officer participated in the planning and delivery at Bucharest of training as part of a course for judges, lawyers and prosecutors on human rights in the administration of justice, organized by the Centre for Human Rights in cooperation with the Romanian Institute for Human Rights.

63. In each of the courses listed, members of the Crime Prevention and Criminal Justice Branch assisted representatives of the Centre for Human Rights in the selection and recruitment of participating experts and in programme planning.

64. Through these and other contacts, cooperative planning continues and will result in the participation of members of the Crime Prevention and Criminal Justice Branch in additional training courses in 1993.

Annex I*

CRIME PREVENTION AND CRIMINAL JUSTICE BRANCH
CENTRE FOR SOCIAL DEVELOPMENT AND HUMANITARIAN AFFAIRS
UNITED NATIONS OFFICE AT VIENNA

QUESTIONNAIRE:

SYSTEM-WIDE SURVEY OF CRIME PREVENTION AND CRIMINAL JUSTICE ACTIVITIES

PLEASE POSTMARK THE RETURN OF THIS QUESTIONNAIRE
NO LATER THAN **15 OCTOBER 1992** TO
THE UNITED NATIONS CRIME PREVENTION AND CRIMINAL JUSTICE BRANCH

This questionnaire is administered by the Crime Prevention and Criminal Justice Branch, United Nations Office at Vienna, pursuant to a mandate from the Economic and Social Council on recommendation of the United Nations Commission on Crime Prevention and Criminal Justice. It is being distributed to all relevant United Nations, intergovernmental and non-governmental organizations throughout the world.

In order to facilitate clarification of the data provided, please indicate below the name, position, mailing address and telephone number of the co-ordinating officer responsible for collection of the data for the entire questionnaire.

Name ____________________

Position ____________________

Agency ____________________

Address ____________________
____
____
____

Tel. ____________________
Fax. ____________________

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INSTRUCTIONS

1. Attached you will find five (5) sets of response forms, each of two pages and numbered sequentially: 1.1 and 1.2, 2.1 and 2.2, and so on to 5.1 and 5.2.

2. Each set of response forms is identical. The first page is titled Programme Detail, and the second page is titled Programme Structure Illustration.

3. One set of response forms should be completed for each crime prevention and criminal justice programme undertaken by your agency as follows:

* on the Programme Detail page, complete all five questions. Please note that the response to question #5, the "main activity" of the programme, should be **distinct from the primary subject, target group or topic** addressed by the programme. For example, a programme with a target group of "violent offenders" may have as its primary activity either 1) research, 2) material assistance, 3) financial assistance, or 4) monitoring.

* on the Programme Structure Illustration page, shade in pen or pencil the lowest level or most specific category which expresses the primary subject, target group, or topic addressed by the programme. Please treat these as an **exhaustive set** of categorizations. In other words, please fit **your programme(s) into the category which provides the greatest level of detail, and provide a lowest-level categorization for each programme according to the "best fit" possible.** The shaded box should indicate, to the best approximation, the primary subject, target group or topic addressed by the programme, not the activity supported by the programme, which has been indicated on the previous page.

* with regard to the issue of whether a categorization is "exhaustive", **the intention is that the lowest level of the category should include the primary subject, target group or topic addressed by the programme.** If it does not, then please shade the next higher level. An example would be the *prisons/management issues/aids* or *custody* hierarchy. If your agency's topic is a sub-topic not listed, such as *"community release panels"*, then the *management issues* box should be shaded.

* repeat the process for each crime prevention and criminal justice programme undertaken by your agency. If the five sets of response forms which have been provided are not sufficient, please photocopy additional response forms and include them.

4. In your response, please provide a copy, if available, of your organization's most recent report of programme activities which includes the programmes reported in this questionnaire.

5. If the foregoing instructions are not clear, or if any further assistance or information would be helpful to you in completing this questionnaire, the contact officer is:

Luis F. Molina
Crime Prevention and Criminal Justice Branch
Centre for Social Development and Humanitarian Affairs
United Nations Office at Vienna
P.O. Box 500
A-1400 Vienna, Austria
Telephone: (43/1) 21131 5510 or (43/1) 21131 4269
Facsimilie: (43/1) 232156 Electronic Mail: TCN 4016

6. **Please return this questionnaire in the envelope provided to the address given above**. If you would like any futher information from the Crime Prevention and Criminal Justice Branch, for example our programme information or copies of the source documents from which the present mandate is derived, we would be pleased to supply it at your request.

PROGRAMME DETAIL 1.1

1. **Name of Agency** : ______________________________
____

2. **Name of Respondent** : ______________________________

Post : ______________________________

Fax/Phone : ______________________________

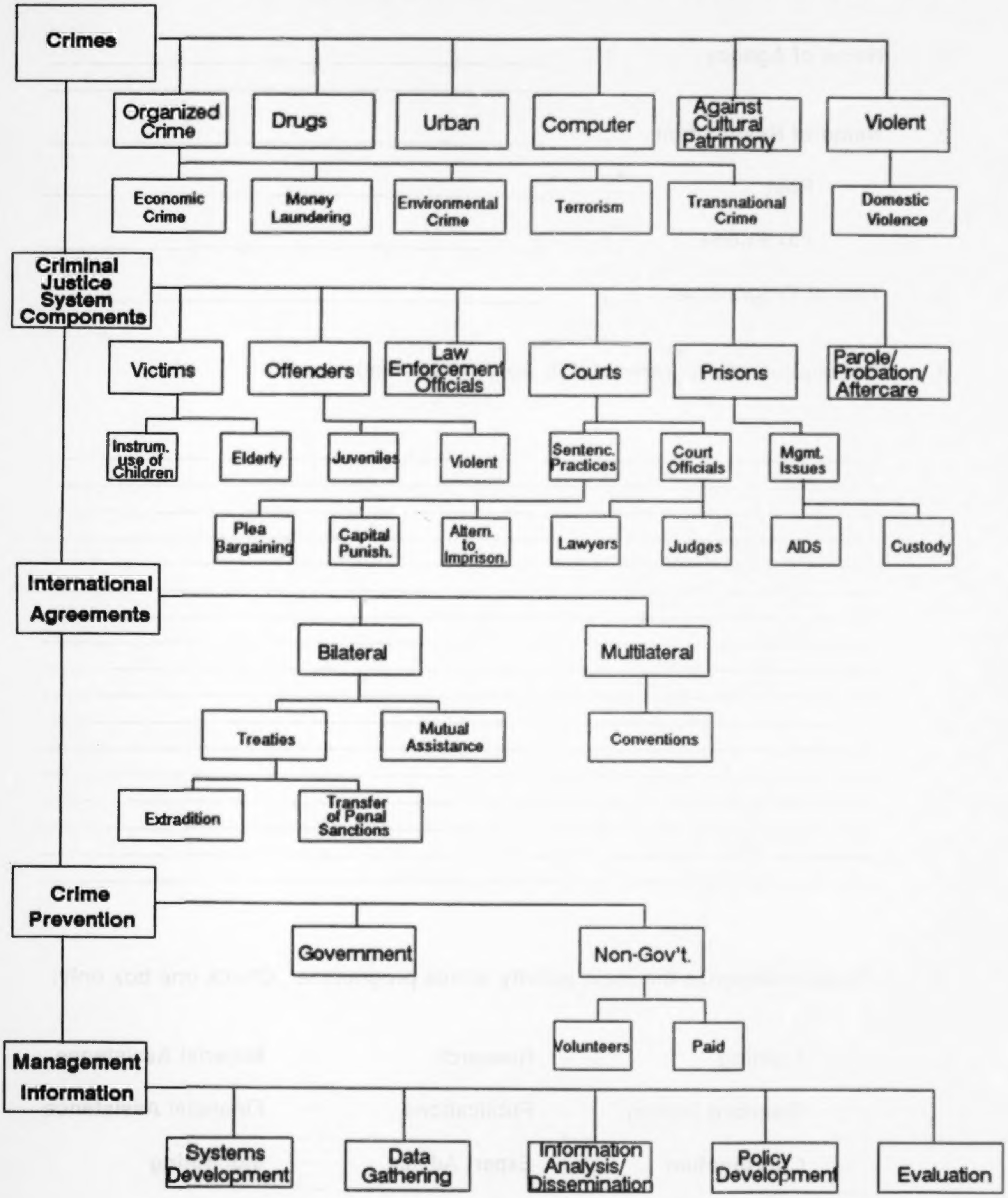
3. **Title of Programme** : ______________________________

4. **Description of programme (150 words maximum):**

5. **Please categorize the main activity of this programme. Check one box only:**

☐ **Training**
☐ **Standard Setting**
☐ **Coordination**
☐ **Research**
☐ **Publications**
☐ **Expert Advice**
☐ **Material Assistance**
☐ **Financial Assistance**
☐ **Monitoring**

PROGRAMME STRUCTURE ILLUSTRATION 2.1


Crimes
Organized Crime
Drugs
Urban
Computer
Against Cultural Patrimony
Violent
Economic Crime
Money Laundering
Environmental Crime
Terrorism
Transnational Crime
Domestic Violence
Criminal Justice System Components
Victims
Offenders
Law Enforcement Officials
Courts
Prisons
Parole/ Probation/ Aftercare
Instrum. use of Children
Elderly
Juveniles
Violent
Sentenc. Practices
Court Officials
Mgmt. Issues
Plea Bargaining
Capital Punish.
Altern. to Imprison.
Lawyers
Judges
AIDS
Custody
International Agreements
Bilateral
Multilateral
Treaties
Mutual Assistance
Conventions
Extradition
Transfer of Penal Sanctions
Crime Prevention
Government
Non-Gov't.
Volunteers
Paid
Management Information
Systems Development
Data Gathering
Information Analysis/ Dissemination
Policy Development
Evaluation

Annex II*

TIMETABLE FOR SYSTEM-WIDE SURVEY OF UNITED NATIONS AGENCIES, IGOs AND NGOs

TASK	Sep		Oct				Nov		Dec	
	12/14	15/16	13	15	20	26	3	17	15	16
Mail Survey	LM									
Verify records		LM								
Create response chart		LM->								
Draft follow-up letter			LM							
Mail follow-up letter					LM/MB					
Results arrive				**->	---->	->	->			
Code results				LM->	---->	->	->			
Make follow-up calls							?			
Commence writing report								LM/DV		
Finish writing report									LM/DV	
Submit for approvals										**

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Annex III

QUESTIONNAIRE RESPONDENTS AND NUMBER OF REPORTED PROGRAMMES

A. Intergovernmental organizations

Organization	Number of programmes
African, Caribbean and Pacific Group of States	0
Asian-African Legal Consultative Committee	3
Association of South-East Asian Nations	0
Commission of the European Communities	1
Council of Arab Interior Ministers	1
Council of Europe	10
Hague Conference on Private International Law	2
Inter-American Development Bank	0
Inter-American Drug Abuse Control Commission	7
International Centre for Public Enterprises in Developing Countries	0
International Civil Defence Organization	0
International Criminal Police Organization	16
International Organization for Migration	0
Inter-Parliamentary Union	0
Latin American Economic System	0
Organisation for Economic Co-operation and Development	1
Organization of African Unity	0
Organization of Petroleum Exporting Countries	0
Scandinavian Research Council for Criminology	0
	41

B. Non-governmental organizations

Organization	Number of programmes
Afro-Asian Peoples' Solidarity Organization	0
Andean Commission of Jurists	2
Brazilian Society for Victimology	2
European Centre for Development Policy Management	0
Forum of the Local and Regional Authorities of Europe for Urban Security	5
Foundation for the Development of International Probation and Parole Practice	3
Foundation for Responsible Computing	1
Henry Dunant Institute	1
International Association of Airport and Seaport Police	3
International Association of Judges	5
International Association of Juvenile and Family Court Magistrates	1
International Association of Penal Law	1
International Bar Association	1
International Commission on Illumination	0
International Council for Adult Education	12
International Council of Environmental Law	2
International Council of Jewish Women	0
International Council of Women	0
International Federation for the Protection of Ethnic, Religious, Linguistic and Other Minorities	0
International Federation of Red Cross and Red Crescent Societies	0
International Federation of Senior Police Officers	2
International Federation of University Women	0

Organization	Number of programmes
International Institute of Higher Studies in Criminal Sciences (dealt with separately in report)	1
International Institute of Humanitarian Law	0
International Law Association	0
International Save the Children Alliance	0
International Sociological Association	0
International Union of Lawyers	1
Latin American Social Science Council	0
Medical Women's International Association	0
Muslim World League	1
Penal Reform International	5
Research Centre for Criminology and Youth Criminology, University of Groningen	7
Save the Children Federation	0
Soroptimist International	1
Office of International Criminal Justice, University of Illinois at Chicago (dealt with separately in report)	2
	59

C. United Nations system

Organization or entity	Number of programmes
United Nations Secretariat	
Centre for Human Rights	5
Department of Economic and Social Development	2
Economic Commission for Latin America and the Caribbean	0
Economic and Social Commission for Asia and the Pacific, Social Development Division	2
Economic and Social Commission for Western Asia	1
Food and Agriculture Organization of the United Nations	1
General Agreement on Tariffs and Trade	0
International Civil Aviation Organization	2
International Labour Office	0
International Maritime Organization	1
Office of the United Nations High Commissioner for Refugees	0
United Nations Educational, Scientific and Cultural Organization	1
United Nations Environment Programme	0
United Nations Research Institute for Social Development	0
World Health Organization	2
	17

Annex IV

QUESTIONNAIRE RECIPIENTS

A. Intergovernmental organizations

African, Caribbean and Pacific Group of States
African Development Bank
Asian-African Legal Consultative Committee to the United Nations*
Association of South-East Asian Nations
Caribbean Community and Common Market
Commonwealth Secretariat
Council for Arab Economic Unity*
Council of Arab Interior Ministers
Council of Europe
Council for Mutual Economic Assistance
European Economic Community
Hague Conference on Private International Law
Inter-American Development Bank
International Centre for Public Enterprises in Developing Countries
International Civil Defence Organization
International Criminal Police Organization
International Development Law Institute
International Federation of Employees in Public Service
International Organization for Migration
Inter-Parliamentary Union
Latin American Economic System
Latin American Faculty of Social Sciences
League of Arab States
Nordic Committee on Penal Law
Nordic Senior Officials' Committee for Legislative Questions
Office of the Permanent Observer of the Organization of the Islamic Conference to the United Nations
Organisation for Economic Co-operation and Development
Organization of African Unity
Organization of American States
Organization of Ibero-American States for Education, Science and Culture
Organization of the Islamic Conference*
Organization of Petroleum Exporting Countries
Pan-Arab Organization of Social Defence
Regional Cooperation for Development
Scandinavian Research Council for Criminology
South-Asian Association for Regional Cooperation

B. Non-governmental organizations

Afro-Asian People's Solidarity Organization
Airport Associations Coordinating Council
Alliance of Non-Governmental Organizations on Crime Prevention and Criminal Justice
All-India Women's Conference
American Foreign Law Association, Inc.

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*Questionnaires were addressed to different offices of this organization.

Amnesty International
Andean Commission of Jurists
Anti-Slavery Society for the Protection of Human Rights, The
Arab Lawyers Union
Asia Crime Prevention Foundation
Association de co-opération internationale au développement - Organisation pour la recherche appliquée au développement
Association for the Study of the World Refugee Problem
Bahá'i International Community
Brazilian Society for Victimology
Caribbean Human Rights Network
Caritas Internationalis
Center of Concern
Childhope, United Kingdom of Great Britain and Northern Ireland
Contact Centre Inc.
Cooperative for American Relief Everywhere, Inc. (CARE)
Defense for Children International Movement
Disabled Peoples' International
European Centre for Development Policy Management
Ford Foundation
Forum of the Local and Regional Authorities of Europe for Urban Security
Foundation for the Development of International Probation and Parole Practice
Foundation for the Establishment of an International Criminal Court, The*
Foundation for Responsible Computing*
Four Directions Council
Friends World Committee for Consultation
Greenpeace International
Henry Dunant Institute
Howard League for Penal Reform
Human Rights Internet
Inter-African Union of Lawyers
Inter-American Institute of Human Rights
Interights
International Abolitionist Federation*
International Alliance of Women
International Association against Torture
International Association of Airport and Seaport Police
International Association of Democratic Lawyers
International Association of Judges*
International Association of Juvenile and Family Court Magistrates
International Association of Penal Law
International Bar Association*
International Catholic Bureau
International Centre of Sociological, Penal and Penitentiary Research and Studies
International Commission of Jurists*
International Commission on Illumination
International Committee of Children's and Adolescents' Movements
International Committee of the Red Cross
International Council for Adult Education
International Council of Environmental Law
International Council of Jewish Women

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*Questionnaires were addressed to different offices of this organization.

International Council of Women
International Council on Alcohol and Addictions
International Council on Jewish Social and Welfare Services
International Federation for the Protection of the Rights of Ethnic, Religious, Linguistic and Other Minorities
International Federation of Business and Professional Women
International Federation of Human Rights
International Federation of Red Cross and Red Crescent Societies
International Federation of Senior Police Officers
International Federation of University Women
International Federation of Women in Legal Careers
International Federation of Women Lawyers
International Halfway House Association
International Helsinki Federation for Human Rights
International Human Rights Internship Program
International Institute of Humanitarian Law
International Law Association
International League for Human Rights
International Narcotic Enforcement Officers Association, Inc.
International Organization for the Elimination of All Forms of Racial Discrimination
International Peace Academy
International Penal and Penitentiary Foundation
International Prisoners Aid Association
International Society for Criminology
International Society for Research on Aggression
International Society for Social Defence
International Sociological Association
International Union of Lawyers
International Union of Police Federations
International Union of Socialist Youth
Italian Centre of Solidarity
Juventudes de la ONU
Latin American Cultural Group and Friends
Latin American Human Rights Association
Latin-American Social Sciences Council
Lawyers Committee for Human Rights
Medical Women's International Association
Muslim World League
National Associations Active in Criminal Justice in Canada
National Association of Victims' Support Schemes
Netherlands Convention Bureau, The
Pax Romana (International Catholic Movement for Intellectual and Cultural Affairs) (International Movement of Catholic Students)
Penal Reform International
Prison Fellowship International
Procedural Aspects of International Law Institute
Rädda Barnen International (Save the Children Federation)
Rehabilitation International
Research Centre for Criminology and Youth Criminology, University of Groningen
Salvation Army, The
Save the Children Federation*

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*Questionnaires were addressed to different offices of this organization.

Save the Children Fund
Society for Comparative Legislation
Society for the Reform of Criminal Law, The
Soroptimist International
University of Illinois at Chicago
Vienna Institute for Development
Women's International Democratic Federation
World Alliance of Reformed Churches
World Assembly of Youth
World Environment and Resources Council
World Federation for Mental Health
World Peace Through Law Centre
World Society of Victimology
Young Lawyers' International Association
Zonta International - International Service Organization of Executive and Professional Women

C. United Nations system

United Nations Secretariat

- Centre for Human Rights
- Department of Economic and Social Development
- Department of Peace-Keeping Operations
- Division for the Advancement of Women, Centre for Social Development and Humanitarian Affairs, United Nations Office at Vienna
- Economic Commission for Africa
- Economic Commission for Europe
- Economic Commission for Latin America and the Caribbean
- Economic and Social Commission for Asia and the Pacific
- Economic and Social Commission for Western Asia

Food and Agriculture Organization of the United Nations
General Agreement on Tariffs and Trade
International Atomic Energy Agency
International Civil Aviation Organization
International Labour Organisation
International Law Commission
International Maritime Organization
International Telecommunications Union
Office of the United Nations High Commissioner for Refugees
United Nations Centre for Human Settlements
United Nations Children's Fund
United Nations Development Programme
United Nations Educational, Scientific and Cultural Organization
United Nations Environment Programme
United Nations Industrial Development Organization
United Nations International Drug Control Programme
United Nations Research Institute for Social Development
Universal Postal Union
World Bank
World Health Organization
World Intellectual Property Organization
World Tourism Organization

UNITED NATIONS

ECONOMIC AND SOCIAL COUNCIL

Distr.
GENERAL

E/CN.15/1993/3
11 January 1993

ORIGINAL: ENGLISH

COMMISSION ON CRIME PREVENTION AND CRIMINAL JUSTICE
Second session
Vienna, 13-23 April 1993
Item 3 of the provisional agenda*

REVIEW OF PRIORITY THEMES

The impact of organized criminal activities upon society at large

Report of the Secretary-General

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*E/CN.15/1993/1.

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INTRODUCTION

1. The prevailing trend towards an intensification of organized criminal activities, both domestically and internationally, continues to cause much concern and alarm among authorities and populations of both developed and developing countries. Efforts so far undertaken at the national level to cope with this growing threat have been less than successful. In fact, instead of showing any noticeable decrease, evidence suggests that the multiple activities of organized crime continue to flourish and expand beyond national borders and, thus, beyond national jurisdictions. The limited results so far obtained have made authorities aware of the acute need to reinforce national law enforcement by means of effective international cooperative arrangements and policies. Thus, cooperation and coordination are indispensable complements to national interdiction efforts. In other words, the increasingly international character of the threat necessitates an equally international response.

2. The concerns of Member States have been repeatedly formulated in recommendations and resolutions. They were again stated at the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders 1/ and the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, 2/ and in the corresponding resolutions of the General Assembly (see resolutions 44/71 of 8 December 1989, 45/123 of 14 December 1990 and 47/87 of 16 December 1992) and the Economic and Social Council (see resolution 1989/70 of 24 May 1989). More recently, the Economic and Social Council adopted, upon the recommendation of the Commission on Crime Prevention and Criminal Justice, resolution 1992/23 of 30 July 1992, by which it reaffirmed that priority must be given to the struggle against all activities of organized crime, and requested the Secretary-General to continue the analysis of information on the impact of organized criminal activities upon society at large. The present progress report has been prepared as a preliminary response to this mandate. Subsequent reports will attempt to provide a more focused analysis of specific aspects of the problem. This approach is rendered necessary by the complexity of the subject, which prevents exhaustive treatment in one single report.

I. NATURE AND EXTENT OF THE PHENOMENON

A. Characteristics of organized criminal activities

3. As is often the case for highly complex social phenomena, all efforts to formulate an unequivocal and universally accepted definition of organized crime have failed. In fact, the relevant literature contains many different definitions, none having met with general acceptance.

4. The list of characteristics given below should help to explain something of the nature of the phenomenon in question:

(a) Organized crime is a confederation of criminal individuals or groups that come together because of economic needs, closely resembling the feudal bands which existed in medieval Europe before the nation-States emerged. Economic gain is achieved by supplying illegal goods and services, or supplying legal goods and services in an illegal manner;

(b) Organized crime involves conspiratorial criminal activity, usually involving the hierarchical coordination of a number of persons in the planning and execution of illegal acts, or in the pursuit of legitimate objectives by illegal means. It involves a permanent commitment at least by key members. In terms of hierarchical coordination, members may be part of a set structure with well-defined roles;

(c) Organized criminal groups have a tendency to establish a monopoly or near-monopoly in providing illegal goods and services to customers, since higher profits are guaranteed in this manner;

(d) Organized crime does not limit itself to patently illicit undertakings or illegal services. It also includes such sophisticated activities as money-laundering through legitimate business and computer manipulation. It infiltrates many kinds of profitable, legal endeavours;

(e) Organized crime uses predatory tactics, such as intimidation, violence and corruption. These tactics may be sophisticated and subtle, or crude, overt and direct. They are used to secure economic gain through a monopoly in illegal goods and services, as well as to infiltrate legitimate enterprises and to corrupt public officials. Thus, when organized crime embarks on a venture in legitimate business, it ordinarily brings along all the techniques of violence and intimidation which are employed in its illicit enterprises.

5. A further complication is the growing vagueness of the line between organized crime and white-collar crime, a development that compounds the separate social problems represented by these two types of criminality. As organized criminals adopt the methods of economic criminals, they often cause the distinction between themselves and the white-collar criminals to be blurred. This process has been described as a decreased reliance, at least by some criminal organizations, upon rackets and illegal means, with an increased reliance upon illegal manipulation of legal means. This trend masks the threat of organized crime to society in so far as it reduces the visibility of both the offences and the victims of those offences.

6. A particular case of organized criminality is found sometimes in countries governed by one-party or authoritarian regimes, in which the rulers organize themselves and their immediate followers into a criminal organization. All the power of the State is, in such cases, used to ensure the millions in profits of the group at the top. Thus, business leaders may be forced to give a substantial share of their companies to members of the ruling elite, who become legal partners without having had to buy their shares, or may be forced to pay the rulers a large share of their profits, beyond that which may have been already paid as taxes. There are multiple ways to "milk" the economy under such circumstances without necessarily appropriating monies from the public treasury. Profits are huge, as has been revealed after the downfall of such regimes.

7. The changing world situation, moreover, has altered the dimensions of the phenomenon of organized crime. In the past, the problem has been considered in the context of socio-economic development, so that in fact the measures devised to cope with it were influenced by the developing or developed status of the affected countries. To this a third dimension has been added: countries which cannot be regarded as developing in the traditional sense, but which are undergoing traumatic political and economic change. The pre-existing structures in those countries have collapsed, while democratic structures still lack solidity and the means to deal efficiently with the problems confronting them. There is already abundant evidence that organized crime is exploiting these situations. This could have devastating consequences in so far as the stereotypes of free-market economies, as painted by earlier regimes,

may come to be perceived as being real. Unless organized crime in these countries is rapidly and effectively brought under control, there may be a danger of growing opposition to the ongoing political and economic reforms.

B. Internationalization of the phenomenon

8. International involvement of organized crime has certainly existed in the past. During the Prohibition era in the United States, for instance, organized crime in that country had to establish business contacts beyond national borders. These contacts were indispensable if the supply of illicit goods was to be ensured. Such international dimensions remained, however, limited and, sometimes, occasional and short-lived. Similarly, such internationalization is essential where demand exists in one country or part of the world for a product which exists, or is produced, only in another. Until 1960, gains made from the provision and trade in illegal goods were not of such a magnitude as to generate sufficient capital to seriously impact on legitimate economies. This was drastically changed through, inter alia, the explosive expansion of the consumption of drugs in the Western world and the growing internationalization of the economy.

9. Modern technology has provided new impetus not only to legitimate trade and commerce, but also to criminal business enterprises. Thus, mass communications have facilitated contacts with associates in other countries and continents, modern banking has facilitated international criminal transactions, and the modern revolution in electronics has given criminal groups access to new tools enabling them to steal millions and to launder the huge illicit profits. The modern era has both armed and encouraged organized crime in many countries to unite forces for the purpose of preying on society. This is at the root of the contemporary threat.

10. The profitability of trafficking in illegal drugs, coupled with the rapid expansion of the market in the course of the 1980s led to a situation where the "narcodollar" began to assume the economic significance of the petrodollar in the 1970s. 3/ The report will refer to this again hereafter.

11. The evolution of organized crime in recent decades may be conceptualized as a process of rational reorganization, on an international basis, of criminal enterprises following the same patterns as legitimate business operations in market economies. Thus, organized crime manifests a tendency toward greater organizational complexity which is deeply entrenched in the dynamics of the modern world. This is to say that criminal organizations are being structured, both nationally and internationally, like major corporations, with a corresponding division of labour aimed at ensuring optimal efficiency, that is, profit maximization and maximal reduction of risk. Thus the drug cartel has divisions for acquisition, production, transport, sales and financing, in the same way as other transnational corporations. The main difference from an ordinary transnational enterprise is the inclusion of an "enforcement division" in criminal organizations.

12. As a result, there is almost no country in today's world without some form of organized criminal activity. The secret societies of Asia and the Mediterranean proliferated and migrated to the Americas and to Northern Europe, bringing along their centuries-old traditions as well as their foreign connections. In the new democracies of Central and Eastern Europe, criminal associations have sprouted spontaneously and grown as the socio-political instability generated by the rapid transition from one-party to multiparty systems led to a

sharp decline in law enforcement effectiveness, thus providing the needed elbow-room for organized criminal operations.* Latin America and the Caribbean have witnessed the birth of powerful criminal associations as soon as the demand for certain goods and services, mainly drugs, made operational rationalization indispensable.

13. Some experts have compared contemporary organized crime to a corporation, run by the equivalent of a corporation's board of directors. Like the corporation, it would continue to exist despite changes in leadership, thus enjoying perpetual existence. This image may be an exaggeration. The real situation seems to be closer to that of an oligopolistic market, with units of different size and importance competing for profits.

C. Specific fields of operation of organized crime

14. In the public mind, organized crime has been frequently associated with illicit drug trafficking. The current prevention efforts of national authorities have, if anything, reinforced this common perception, in so far as they have predominantly concentrated on interdicting the illicit drug trade ("war on drugs"). But drug trafficking, although probably one of the most important and profitable contemporary fields of operation of organized crime, both nationally and internationally, is only one of a multitude of criminal activities carried out by criminal associations. In fact, organized crime becomes more imaginative and more diversified every day. To traditional fields, such as gambling, loan-sharking and prostitution, it has added a variety of enterprises, most of them presenting an international dimension.

15. Illicit trafficking in arms is no new criminal phenomenon. Its volume, however, has been radically stimulated by current political instability and accompanying armed conflicts. Ethnic, religious and nationalistic clashes, escalating in some cases to outright war, in such regions as the Balkans, the Carpathians, the Caucasus, East and West Africa, and Western Asia are at the source of vast increases in illicit arms trade. Large military depots have fallen out of governmental control and into the hands of organized criminal entrepreneurs who have rapidly developed the necessary supply lines. In the first half of 1992, the overall amount of registered thefts of firearms in a new Eastern European democracy has increased by nearly 30 per cent. 4/ It may be added that the risk of nuclear devices falling into the hands of criminal organizations is, under present near-chaotic circumstances in some parts of the former Union of Soviet Socialist Republics (USSR), not negligible. According to at least one media report, traffic with fissionable material has already been attempted. 5/

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*"... gangsters are moving in on business, government and the daily lives of the long-suffering population. On the street, people talk about 'the mafia' but the problem doesn't spring from Sicily. It's home-grown and nationwide: Ministry of Interior investigators count almost 3,000 gangs across the country. With the help of well-armed 'bullies' they extort millions of dollars and operate rackets from prostitution and drugs to the arms trade." D. Elliot, "The new Chicago on the Neva", Newsweek, 5 October 1992, pp. 14-19. See also M. Goldman, "Russia's only growth industry", Worldlink, September/October 1992, pp. 19-23.

16. Organized crime has recently set up in Western Europe a vast and highly effective network responsible for meeting the growing demand for automobiles in Eastern Europe, Western Asia, Africa and Latin America. Newly opened borders and first-class forgery of documentation make detection extremely difficult. And, as is typical with organized criminal structures, the arrest of the individual thieves hardly affects the ongoing functioning of the organization.

17. The volume of goods being moved by road has very rapidly increased in recent decades. This is particularly true of Western Europe and the United States. Organized crime has been quick to seize the opportunities that this development presents for huge and rapid profits through cargo theft. The number of lorries being hijacked runs into the thousands every year, and continues growing. The stolen merchandise is rapidly and efficiently disposed of through a network of well-established channels of delivery. Given the enormous amounts of goods being transported by road, and the imperative need to disturb as little as possible this vital flow, the problem of prevention becomes very difficult. Open borders only make more acute an already grave situation.

18. The booming market for art objects and archaeological items has also attracted the attention of organized crime. There are, in this respect, two main theatres of operation. The first of these encompasses artistic objects and valuable antiques to be found in museums, churches, galleries and private collections, predominantly in Western Europe, but, more recently, and thanks to the increased permeability of borders, in Central and Eastern Europe and the newly independent States of the former USSR. The second covers cultural (artistic) items to be found predominantly at archaeological sites (tombs, temples, remnants of human settlements), but also in museums, in developing countries in Africa, Asia and Latin America.

19. Whereas the objects in the first area remain in the art markets of the Western world, where, sometimes with the complicity of unscrupulous art dealers, they become part of private collections, the second category of objects flows from the developing to the developed world, being bought not only by private collectors, but also, and regrettably, by some museums. The efforts undertaken by the United Nations Educational, Scientific and Cultural Organization to obtain the return of these items to their countries of origin have often foundered on the issue of the good faith of buyers. In both cases, the procurement of these objects, either by theft or pillage, their transport across borders and their marketing necessitate the overall logistics and expert knowledge that organized groups possess.

20. Criminal organizations, as is well known, have been quick to divert and misuse technological innovations for their own purpose. As the world becomes more technical, and people better trained, "... the talent for discovering new and unique ways of committing crimes becomes more available". 6/ This is particularly true of information-processing technologies.

21. The use of computers by the financial community has grown rapidly over the past 25 to 30 years, so that data-processing now plays a dominant role in the processing and carrying out of all types of financial transactions, both within a single country and internationally. Accordingly, computer-related crime can be truly said to be a reflection of the modernization of the economies and the vulnerability that results from the reliance on electronic communications systems that cannot be made absolutely safe.

22. Every year, computer crime causes economic losses running into millions of United States dollars (US$), with many losses undetected or unreported. 7/ In the area of electronic funds transfer alone, the volume of transactions suggests that the potential losses could exceed the losses experienced with paper-based money transfers. Frequently, banks do not want their depositors to know of their vulnerability and are, therefore, reluctant to report such crimes. Be that as it may, it can certainly be said that almost any computer-related crime can result in extremely large losses in a very short period of time, while leaving little or no evidence either of the crime, or the identity of the perpetrators. A number of cases have attracted widespread publicity to this threat. Major business publications have published hundreds of articles on how to make data-processing systems more secure. But "... the consensus among computer security experts is that ... the vast majority of ... thefts (by computer) remain undiscovered". 8/ This is an area, moreover, where legislation has frequently failed to keep abreast with technological developments, and the training of law enforcement personnel has been insufficient to discharge the tasks of detection and control.

23. A somewhat related field of criminal operations is credit-card fraud. Little is known about how the national and international markets in this kind of fraud are organized, except that credit-card theft and counterfeiting offers excellent opportunities for illicit profits. Internationally, there are well-recognized trails of lorry drivers who collect stolen cards from particular locations, sometimes after they have been heavily used by local teams engaged in fraudulent activities, and then use them systematically in foreign locations for relatively low-value transactions such as fuel, which are below authorization limits for retailers. 9/

24. Recent decades have witnessed a growing public awareness of the threat that unbridled human activities pose to the environment. Many species of animals have been literally wiped out as a result of uncontrolled exploitation. Many others are in imminent danger of extinction. In an attempt to cope with this threat to ecological equilibrium, the Convention on International Trade in Endangered Species of Wild Fauna and Flora, 10/ to which all countries are already parties, was drawn up in 1973. In addition, many countries have enacted legislation aimed at solving this problem.

25. Nevertheless, there is evidence of a thriving wildlife trafficking industry of international dimensions. 11/ Markets for illegal wildlife and wildlife products are found in a wide range of industries. "Some products are consumed in the manufacture of traditional pharmaceuticals. Some are used as novelties and in the manufacture of ornamentals." 11/ The high prices generated by this demand have not failed to attract the attention of organized criminal groups, who have promptly set up the necessary operation to supply these markets.

26. The illicit disposal of hazardous wastes seems to have attracted the interest of criminal organizations. These dangerous materials are often dumped in international waters or, with the complicity of corrupt and greedy officials, in some developing countries, where surveillance may be less than optimal. The damage to ecosystems may be irreparable, and large areas may become heavily polluted and unfit to sustain life, either human or animal.

27. At present, no country is able to meet the demand for organs adequately, and waiting lists are growing at a faster rate than the supply. For instance, an estimated 85 per cent of the patients accepted for dialysis in Ireland receive transplants in the first year, whereas in the United States only about

25 per cent of such cases result in transplants, and in Japan the figure is less than 10 per cent. 12/ In the United States alone, statistics indicate that, as of June 1991, 24,000 people were on waiting-lists for transplants. 13/ In Australia, the number of people requiring kidney transplants is about 2,000 at the present time, with about 400 transplants performed each year. The average waiting time for such a transplant is three years. 14/

28. This is a situation which organized crime was bound to exploit, as resort to exploitative and criminal practices can generate high profits where available organs are insufficient. The result may be summed up in the words of the Director of the Australian Institute of Criminology, who has been quoted as saying: "Not surprisingly, a black market ... has developed, in which organs fetch high prices." 12/ The large number of destitute and homeless persons, including children, found in urban areas, particularly in developing countries, provides a source of such transplant organs. This black market is bound to grow in importance as technological advances extend the preservation of organs after removal, so that transport can be provided over long distances.

29. The involvement of criminal organizations in the large-scale exploitation of prostitution has been known for a long time. What is new is the growing international dimension of this enterprise, and, secondly, the increasing reliance on drug addiction as a means of obtaining the compliance of the victims. Thus, young women and, sometimes, male adolescents are taken from one country, or even one continent, to another, following well-organized supply lines that connect Africa, Asia, Europe and Latin America. Victims may be deceived by false offers of work or simply kidnapped. Later, their obedience will be ensured by violence. Escape is made more difficult by the victims' lack both of contacts in their country of forced residence and of knowledge of the language.

30. While the proceeds of more traditional illicit operations of organized crime, such as racketeering, protection, prostitution, illegal gambling, extortion, loan sharking and so on, have always needed laundering, new and more international modalities of criminal activity have added considerable volume and sophistication to money-laundering, an activity which, in itself, is not yet the object of penal legislation, and therefore not yet a crime, in many countries. The ratification, however, of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988 15/ by Member States is having some influence in the adoption by countries of legislation relating to the proceeds of crime, regrettably, however, often limited to narcotics related offences.

31. Money-laundering enables organized criminals to conceal their illicit earnings from law enforcement agencies. It also enables them to reinvest their earnings in new supplies and, through investments in legitimate business, to merge with the surrounding society. The more successful the operations of organized crime, the greater the need for laundering, so that some criminal organizations may have found it "... necessary to attempt to gain clandestine control of banks, through which they could launder large amounts of cash without the knowledge of the authorities". 16/

32. In an age when hundreds of millions of dollars can be moved electronically, money-laundering is a much more sophisticated activity than it was a generation ago. But the basic means have not changed. There is no one method of "washing the cash", and no single destination once it is clean. Business and financial enterprises involved can include deposit-taking institutions, currency-exchange houses, the securities market and real estate corporations.

Various devices are used: utilizing more than one account, branch and institution in one laundering operation; employing money couriers with false identifications to open accounts; utilizing fraudulent currency-exchange houses to deposit large amounts into banks without raising suspicion; establishing legitimate or shell companies as fronts; purchasing securities through nominee accounts; utilizing stock certificates issued in bearer form; passing funds through corporations in apparently legal business activities, thus creating a difficult paper trail; moving illicit funds across borders to obscure their true source and to obstruct financial investigations; and many other methods. The ultimate objective is that the money is made suitable to feed back into the system as apparently "legitimate". Indications are that, despite the efforts of the authorities and a certain amount of success, vast quantities of cash are indeed slipping back into the mainstream.

33. Other activities of organized crime which deserve to be mentioned and which take place at either the national or international level, or at both, are insurance fraud, counterfeiting of currency, kidnapping, smuggling and fraudulent bankruptcy. The list is not exhaustive, and the future, without doubt, will witness new operations of criminal organizations.

II. IMPACT OF ORGANIZED CRIME ON SOCIETY

34. Organized crime is nothing less than a massive attack on the fabric of society affecting practically all of its components at the individual, collective and institutional levels. It is also an insidious form of lawlessness which cynically exploits citizens' rights and constitutional guarantees for the purpose of reducing risk of detection and maximizing impunity. In this manner, organized crime threatens some of the most basic elements of a democratic order.

35. But organized crime also affects society in a large variety of more direct, more immediate and concrete ways. Some of these impacts are briefly summarized hereafter.

A. Corruption and its sequels

36. Corruption is one of the most destructive phenomena accompanying the activities of organized crime. Nonetheless, like many other social phenomena, difficulties emerge as soon as an inclusive definition is attempted. A possible way out of these difficulties may lie in following a purely legalistic approach. From this perspective, corruption may be defined as the illegal use of public office for private gain. "The term 'illegal' means that there exist laws/statutes governing the conduct of those occupying public office ... Whether or not such laws are actually enforced, whether contravention of them is systematically prosecuted is a quite separate question altogether." 17/

37. Corruption of public officials has always been one of the favourite operational tools of organized crime, an integral part of its "business" strategy and planning, to be preferred, whenever possible, to naked violence. The latter may be too "messy", and may attract undue public attention and provoke public reaction. This attitude is particularly present in "sophisticated" forms of organized crime.

38. The money paid as bribes is, accordingly, considered by the "managers" of organized crime as a good investment, a type of overhead which is justifiable,

from a "business" point of view, because it increases considerably the chances of success and the likelihood of impunity, while decreasing and even fully neutralizing the danger of detection, with all the losses that this would entail.

39. Corruption appears to be endemic in a number of countries. "What makes the problem even more difficult is that these practices often appear as minor exchanges of simple courtesies within the framework of everyday dealings, brushed off as unimportant and taken for granted. These so-called favours are accepted in many societies as the only way to do business and eliminate unnecessary delays and obstacles when one has to deal with government agencies ..." 18/ In such cases, corruption seems to be an integral part of the culture. Thus, its "practitioners" may be surprised if told that what they do is either dishonest or unethical.

40. The corruption of officials of the criminal justice system poses a particular threat to all societies. The crucial role of law enforcement makes police corruption particularly pernicious. There is an inherent contradiction in the discharge of police duties in a corrupt manner. Again, the role of the judiciary within the legal system makes the corruption of judges and of members of public ministries a particularly hideous crime. The public reacts to revelations of corruption on the part of police officers, members of the judiciary and public ministries with profound distrust, fear and unwillingness to cooperate with the authorities. This results in serious damage to the fabric of society through a weakening of the commitment of its members to traditional social structures. This is to say that rampant corruption promotes a cynical and opportunistic attitude among those who observe that the venality of public officials goes hand in hand with the impunity of criminals. Why should they then abstain, when opportunity knocks at their door? The fundamental fact is that the perception of the impotence of the State *vis-à-vis* criminal groups wreaks havoc on the credibility of the rule of law.

41. At a more material level it can be said that the pervasive effects of corruption slow down the development process and hinder economic growth by fostering inertia and inefficiency, thereby imposing a hidden tax on the citizenry. Transaction costs inflated through bribery and other related abuses are passed on to consumers, increasing the cost of living, particularly for the low-income strata. Administrative decisions are no longer made following objective standards, 19/ so that public contracts do not go to the best bidders, but to those companies that provide the largest bribes. Those companies can later recover these monies by reducing the quality of the contracted public works. No wonder if later bridges and buildings collapse, roads are washed away after the first rains, and dams burst, flooding villages.

B. Impact on the national economic sphere

42. Particularly alarming is the growing infiltration of legitimate business by organized crime. In fact, the millions in profits generated by organized criminal activities are increasingly funnelled, through elaborate money-laundering schemes, into otherwise legitimate enterprises. This infiltration follows several goals, separately or simultaneously, the most obvious of which is the laundering of illicitly acquired monies. The huge profits that have marked the operation of organized crime in recent decades have made infiltration almost indispensable. It has been suggested that only a smaller part of illicit profits is used for the continuation of the criminal activities in question, and that the larger share, channelled in part through so-called

off-shore financial centres, goes into overseas holdings and is absorbed in the international capital flows. 20/

43. In addition to the above, infiltration aims at reducing detection risk and facilitating operations, particularly those across national borders, by offering organized crime established transport and distribution channels.

44. Infiltration may also offer the opportunity to make illicit profits respectable by removing them from the dangerous cycle of investment, sale of merchandise, laundering and investment, where they may be lost through forfeiture of proceeds or seizure of the merchandise by the police. In this manner, criminals become apparently law-abiding, normal citizens, a goal that may be further facilitated by donations to churches, universities, sport clubs, community undertakings and the like. In this manner, the names of crime figures may come to adorn the frontispiece of college libraries and civic halls.

45. Businesses acquired by organized crime are likely to have an edge over their law-abiding competitors, who must worry about profit margins, overhead costs and repayment of bank loans. Moreover, organized crime has an inherent tendency to widen that edge by, if necessary, violent means. In this manner, near-monopolistic situations are created that result in increased profits for organized criminals, while honest competitors are often forced into bankruptcy. All in all, infiltration by organized crime tends almost unavoidably to introduce distortions in the interplay of market forces. In the long run, the impact is on the pockets of the consumers, who, directly or indirectly, will have to pay higher prices.

46. The activities of organized crime have an all-pervasive and highly disturbing impact in other areas of the economy. This is to be expected, in so far as such activities are, almost without exception, related directly or indirectly to it. The economies of developing countries, however, are, as a rule, far more vulnerable to these activities than those of developed countries. This is not surprising, in so far as the vast sums of money which are moved by organized crime are often higher than the total budget of most of these countries. Currency manipulations undertaken by organized crime, either in relation to money-laundering or as a profit-making illicit operation, may have a disastrous effect upon rates of exchange and the banking system in many a country. Further, the presence of large amounts of illicit monies in a country tends to create a dependency which organized criminals are only too inclined to exploit. Inflation may also be a result of the situation. And a sudden withdrawal may throw the domestic financial institutions into disarray. To compound the problem, these countries often lack the resources and know-how needed to defend themselves from the onslaught of organized criminal activities.

47. Although developed countries are less vulnerable, it cannot be said that their economies are truly resistent to the massive interference of organized crime. For example, counterfeiting is mainly profitable in relation to hard currencies, and insurance fraud and fraudulent bankruptcy are more likely to find their victims, be they individuals or companies, in developed countries. The same is predominantly true of computer criminality and credit-card fraud. The profits of organized crime are so huge that no economy can be said to be immune to the impact of this underground economy.

48. The burden of attempting to eradicate the activities of organized crime falls on both developed and developing countries, but the impact is, again, much more serious in the latter, in which it may become a matter of survival.

In their case, scarce resources are either diverted from other goals and allocated to this struggle, or organized crime is allowed to run rampant. In the first case, such expenses diminish the funds available for social programmes and development investment, thereby imperilling social stability and progress. In the second case, organized criminal activities can create an alternative power class, thereby endangering social peace and effective development. Developing countries find themselves, therefore, in a no-win situation, from which they cannot be expected to extricate themselves exclusively by their own effort.

49. Although developed countries have, under normal economic circumstances, a greater capacity to cope with the impact of organized crime upon their economies, it is clear that their economies are taxed by such activities. Thus, in addition to the additional resources that need to be allocated to law enforcement and the judiciary (a single investigation may consume thousands of man-hours and a single trial may cost millions), added means have to be spent in social programmes for the victims of organized criminal activities. Other factors include lost working hours, crimes by addicts and the like, all causing major losses or substantial additional expenses.

C. Impact on the international economic sphere

50. The effect of laundered capital on the global economy cannot be overlooked. It has been estimated that the capital generated during the 1980s by illegal drug trafficking alone has been in the order of 3,000 billion to 5,000 billion dollars. Some authors estimate the amount as even higher. 21/ According to one estimate by the journal South, made in 1984, between 8 and 9 per cent of total world trade was based on drug trafficking. Such amounts would enable organized crime to effect the world financial system.

51. A case in point is the Bank of Credit and Commerce International (BCCI), which also provides a good example of interfacing between organized crime and legitimate business. The bank had a business volume of US$ 23 billion, and with 14,000 employees was the largest private bank in the United Kingdom of Great Britain and Northern Ireland and the sixth largest of its size in the world in 1989. 22/ It had 425 officers in 73 countries. One official of the Bank of England doubted whether BCCI ever made a profit as a bank, yet it was able to offer its clients in the United Kingdom higher interest than its competitors, presumably because fraud allowed it to engage in unfair competition. 23/

52. BCCI is alleged to have laundered some US$ 20 billion. Whilst other banks have also engaged in money-laundering, the involvement of BCCI in crime went much further, including a "black network" involving some 10 per cent of its employees. This black network included enforcement units trained in the use of arms, espionage and psychological warfare. Its activities included bribing, extortion, kidnapping and, it was said, also murder. 24/ The clients of the bank included high government officials, heads of State and known terrorists. 25/ These illegal activities were carried out in the midst of a legal business involving more than a million ordinary customers.

53. The concern about BCCI is why it took so long before its activities were stopped on 5 July 1991. One theory relates to system overload. The international banking and financial system is, in this view, simply no longer capable of dealing with a sophisticated transnational criminal actor of the format of the BCCI. Every day some US$ 1,400 billion are moved between the nations of the world in the currency trade. Twelve per cent of this is on behalf of

private customers, the remainder in interbank exchange. With the severance of the dollar from the gold standard, the rise of the Eurodollar and petrodollars, and the computer-based instant trade between countries and continents with less and less supervision by intergovernmental authorities, the possibility for abuse and criminal misuse has multiplied. The international money flow increased by 3,200 per cent between 1970 and 1990, 26/ while supervision declined in a series of deregulations. An important role in this growth of volume of international transactions is the existence of off-shore banks, of which some 500 exist in the Caribbean region alone. Secrecy is high, supervision is low, and taxation is absent in most cases. The possibilities for manipulation and fraud in these tax havens with and without the cooperation of corrupt officials are legion. The differences between countries in supervision over their banking business, combined with the ease and velocity of electronic cross-national value transfers from one account to another for customers whose identity can in many cases not be established, has created a labyrinth of a size and changing form that offers a perfect habitat for skillful criminal organizations like BCCI.

54. It took more than a dozen years before the criminal activities of BCCI were fully recognized and action was taken. For a long time, BCCI was treated as a bona fide bank. The World Bank and the International Monetary Fund did business with this bank, granting it credit. 27/ BCCI criminal activities were in the end stopped by national initiatives. The Bank for International Settlements which in 1975 established the "Committee on Banking Regulations and Supervisory Practices", had no significant part in it.

55. What the BCCI affair has made clear is that a flexible transnational bank, acting within a rather static State structure, has the advantage of the initiative and can go on for years before being caught. The international system of supervision is simply no match for a professional transnational criminal actor. The BCCI fraud has been discovered, but it is unknown how many other financial institutions of equally doubtful reputation are still active, nor their potential effect on the world financial system and market. An intensification of international supervision on banking, including supervision of national supervisors or at least mutual control of national regulators, would seem necessary but remains problematic in the present international order.

D. Other areas of impact

56. The crippling impact of organized crime can also be ascertained in several other spheres of social life. Thus, through the contributions to electoral campaign chests mentioned earlier, organized crime succeeds in infiltrating the legislative bodies of representative democracies with corrupt politicians, who will covertly undertake everything within their power to provide protection for their patrons. In an age where the costs of campaigning have soared beyond the reach of most political organizations, and where the mass media, in particular television, can be all-decisive for success or failure, it is obvious that a well-provided chest can tip the balance in favour of its beneficiary. In this manner, organized crime corrupts the political system, influencing for its own purposes both the electoral and the legislative process. The cynicism fostered by such occurrences is, as stated earlier, the worst enemy of democracy in that it destroys the commitment of the citizen to the rules of the system.

57. Closely connected with the above is the threat to freedom of expression that results from organized crime gaining control of mass media, either by buying newspapers, radio and television stations, or by buying influential members of their staff. A journalist can have immense influence over public

opinion. His or her points of view are often granted a degree of credibility that they may not objectively possess. Such subtle propaganda may distort the perception by the citizenry of prevention efforts on the part of the authorities, thereby weakening public support for such policies.

58. It is clear that the human rights of millions are constantly violated as a direct or indirect result of organized criminal activities. The woman or male adolescent forced into prostitution and virtual enslavement far away from home, the near-slavery status of people who have fallen into the hands of loan sharks, the small entrepreneur whose business is destroyed unless "protection money" is paid, the plain citizen who can no longer go out at night because streets have been made unsafe by drug addicts in need of a fix, the drug addict himself, whose life is shortened and turned into hell by the habit: the list is endless.

III. FUTURE TRENDS

59. If current developments can be projected into the future, the world is going to be confronted, in the first place, with a massive growth in organized computer criminality. The financial systems of the world will, without a doubt, increase their reliance upon electronic data processing. As their economies develop, more and more countries will join the existing electronic networks which so underpin a dynamic world economy. This unavoidable trend will elicit the greed of organized crime. And experts claim that, so far, no electronic system can be rendered totally safe. There is, therefore, an acute need for legislation in this new area. There is also an equally acute need for training law enforcement personnel in the intricacies of electronic operations, as well as enhanced supervision of the international financial system.

60. As law enforcement succeeds in detecting and forfeiting proceeds of crime and money-laundering operations, infiltration of legitimate business is bound to become more attractive, particularly when its aim is to withdraw those funds permanently from criminal operations so as to make them "respectable". Legislation permitting better detection of laundering schemes, including the possibility for forfeiture and the limitation of bank secrecy to appropriate dimensions, is therefore badly needed.

61. In a world in which money buys status and is the sole vehicle for the "good life", corruption will be seen by organized crime as the best means of securing impunity. In view of the huge size of profits, it is obvious that the bribes offered will always become more and more difficult to resist. Again, the modest salaries of public officials, which are the rule in many developing countries, may make them less resilient to the temptations offered them by organized crime, while the ideology of "materialism" in developed societies can have the same consequences for their civil servants and politicians.

62. Nobody could claim that the problem of illicit drug trafficking shows signs of being solved. In spite of increased seizures, the supply of drugs seems to meet the demand, as indicated by the stability of street prices. Transit lands become more and more users' lands. Nothing indicates a reversal of the trend. The uncertainties caused by what may be considered a global crisis in the economic, political and social fields is pushing people to search for escapes. The abuse of drugs is one such escape.

63. Opportunities will push organized crime to become more and more international. As Governments succeed in coordinating their preventive efforts

through increased cooperation (a development that, although slow in taking form, seems to be more and more favoured by national authorities and by the international community) organized crime will find that the best response is to tighten its own cooperative efforts around the globe. The outcome of this struggle will have major consequences for the physical and psychological well-being of all societies and their members.

Notes

1/ See Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Milan, 26 August-6 September 1985: report prepared by the Secretariat (United Nations publication, Sales No. E.86.IV.1).

2/ See Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August-7 September 1990: report prepared by the Secretariat (United Nations publication, Sales No. E.91.IV.2).

3/ James Mills, The Underground Empire. Where Crime and Governments Embrace (Garden City, New York, Doubleday, 1986).

4/ J. Serio, Criminal Justice International, vol. 8, No. 5 (September-October 1992), p. 6.

5/ See, "Bonn stops a ring seeking uranium for Yugoslav war" International Herald Tribune, 30 October 1992.

6/ F. I. Clarke, "Computer-related crime", Journal of Financial Software and Hardware, vol. 2, No. 3 (May/June 1985).

7/ J. B. Tompkins and F. S. Ansell, "Computer crime: keeping up with high-tech criminals", Criminal Justice, vol. 15 (Winter 1987), pp. 17-22.

8/ R. Willis, "The threat from within", Management Review, vol. 65, No. 1 (January 1986), pp. 22-27 and pp. 30-32.

9/ M. Levi, "Organized crime" (unpublished manuscript).

10/ United Nations Treaty Series, vol. 993.

11/ B. Halstead, "Traffic in flora and fauna", Trends and Issues in Crime and Criminal Justice, No. 41 (Canberra, Australian Institute of Criminology, November 1992).

12/ D. Ward, "The black market in body parts", Criminal Justice International, vol. 7, No. 5 (September/October 1991), p. 1.

13/ N. Anderson, "Conference on organ procurement: supply, demand - and ethics", International Digest of Health Legislation, vol. 43, No. 2 (1992), pp. 401-405.

14/ B. Halstead and P. R. Wilson, "'Body crime': human organ procurement and alternatives to the international black market", Issues in Crime, Morality and Justice, P. R. Wilson, ed. (Canberra, Australian Institute of Criminology, 1992), pp. 207-220.

15/ United Nations publication, Sales No. E.91.XI.6.

16/ Office of the Attorney-General, Annual report of the Organized Crime Drug Enforcement Task Force Programme (Washington, D.C., Government Printing Office, 1988), p. 34.

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REVIEW OF PRIORITY THEMES

Control of proceeds of crime

Report of the Secretary-General

Summary

The present report is submitted in pursuance of resolution 1/2 adopted by the Commission on Crime Prevention and Criminal Justice at its first session. It provides an overview of problems associated with the proceeds of crime, on the basis of a preliminary study of the application of such proceeds to the infiltration of legitimate economic activities. It examines the problems from the perspective of Governments and financial institutions, and sets out certain basic principles to be followed in developing effective and efficient strategies and policies for the control of the proceeds of crime. It also elaborates on the role of the United Nations in promoting international cooperation in this field, and includes recommendations for the consideration of the Commission.

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INTRODUCTION

1. The international community is faced with an increasing occurrence of well-organized criminal activity that transcends national borders, that replicates methods and techniques used with success in the financial and business communities, and that generates enormous wealth. Driven by greed and providing a powerful stimulus to further expansion of criminal activity, this has added a highly dangerous dimension to the economies of developed and developing countries alike. While the true scale of the problem, in monetary terms, is unknown, estimates deriving mainly from the more advanced studies of specific types of criminal activity, namely trafficking in illicit drugs, suggest that several hundreds of billions of United States dollars (US$) are generated illicitly every year. The estimated figures serve only as indications of the threat posed to the global financial system. They represent amounts considerably higher than the gross domestic products of many nations.

2. The concern of Member States over the proceeds of crime has been voiced in a number of resolutions of the General Assembly, the Economic and Social Council, the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, and more recently the Commission on Crime Prevention and Criminal Justice at its first session. It was also reflected in the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988, 1/ which contains specific provisions dealing with the subject.

3. The Eighth Congress adopted guidelines for the prevention and control of organized crime, contained in the annex to its resolution 24. 2/ Member States were invited to make available to the Secretary-General the provisions of their legislation relating to money-laundering, the tracing, monitoring and forfeiture of the proceeds of crime, the monitoring of large-scale transactions and other measures. The information and material provided by Member States was intended to increase knowledge on the approaches taken to deal with the problem, in order to enable the United Nations crime prevention and criminal justice programme to provide policy advice and practical assistance to Member States wishing to draft or revise their legislation.

4. On the recommendation of the Eighth Congress, the General Assembly adopted its resolutions 45/107 and 45/123 of 14 December 1990, in which it called for concerted action to facilitate the seizure and confiscation of the proceeds of crime, as well as for the development of effective modalities to prevent and control money-laundering and investment related to criminal activities.

5. The Commission on Crime Prevention and Criminal Justice accorded particular attention to the issue of the control of proceeds of crime at its first session. On its recommendation, the Economic and Social Council adopted its resolution 1992/22 of 30 July 1992, in which money-laundering was included as part of the first priority theme that will guide the work of the Commission and the activities of the United Nations crime prevention and criminal justice programme during the next four years. Furthermore, the Commission, in its resolution 1/2 on the control of the proceeds of crime, 3/ requested the Secretary-General:

(a) To examine the possibility of coordinating the efforts already made at the multilateral level against the laundering of proceeds of crime and related offences, including embezzlement;

(b) To study and propose means for rendering technical assistance to requesting Member States in drafting or revising legislation, in training financial, investigative, law enforcement and judicial personnel, in developing regional, subregional or bilateral cooperation, and in providing advice on relevant strategies and techniques;

(c) To develop specific modalities of cooperation among all United Nations entities with relevant mandates, in particular the United Nations crime prevention and criminal justice programme and the United Nations International Drug Control Programme (UNDCP).

6. The present report, submitted in response to Commission resolution 1/2, is intended to provide a first assessment of the existing possibilities for coordination of global efforts to prevent and control the use and laundering of the proceeds of crime. It seeks to identify viable options for effective concerted action and further effort at all levels, and attempts to place the entire matter in perspective by briefly examining the basic issues involved and underlining the difficulties that must be overcome, on the premise that all aspects of the problem should be thoroughly examined and understood before informed decisions can be made.

7. The recommendations contained in this report are the result of a preliminary study. They are by no means comprehensive, not only because a thorough study would require much more time than was available, but also because of the very nature of the problem. Action against the laundering of the proceeds of crime and related offences and activities should be founded on a rapid and reliable flow of information, constant appraisal of the situation and the ability to adapt to new and changing methods, as well as to the specific needs of Member States. In addition, the study of the problem must be concurrent with comprehensive knowledge of the criminal activity that underlies it. In this context, there is need for keeping abreast of developments and for monitoring trends, in order to be able to identify new areas that relate to, and present opportunities for, an expansion of transnational crime. Failure to meet those requirements may frustrate, constrain or undermine the effectiveness of any action undertaken.

I. ISSUES RELATED TO THE PROCEEDS OF CRIME

8. Large-scale transnational criminal activity is motivated by the desire to accumulate vast wealth and to wield the power that it brings with it. Studies in countries with the most sophisticated systems for dealing with such a phenomenon, including the capability of monitoring their internal situation in a manner that allows the collection and processing of reliable data, have shown that the involvement of organized criminal groups in certain areas produces an annual turnover of enormous proportions. The figures that have been published vary in accordance with the perception of what is exactly the turnover to be measured and the method of measurement. Conversely, these figures represent to a large extent projections and estimates, on the basis of accumulated knowledge regarding trends, supply capacities and demand for certain commodities that have attracted the intense interest of criminal groups. Recent figures used by agencies in the United States of America and by the Financial Action Task Force on Money Laundering of the Group of Seven major industrialized countries suggest that in one area of criminality alone, namely drug production and

trafficking, sums of up to US$ 500 billion* may be generated annually. There are, however, indications that these estimates may be conservative.

9. In the absence of concrete facts and figures there is a basic difficulty in appreciating the extent of the problem. The estimates of profits generated by criminal activity, particularly at the international level, are based more on educated guesses than on reliable statistics. A number of countries, particularly developing ones, are facing considerable technical problems in collecting and processing reliable information, or even identifying the activities that are generating such vast profits. In addition, organized transnational crime has undergone fundamental changes in the recent past. The methods of operation of criminal groups whose interests and activities transcend national frontiers have become more sophisticated and diversified. Sophistication and flexibility in the pursuit of illicit purposes are often the result of improvements in organizational structures and application of modern techniques ranging from communications to management. An alarming factor is that at present the perpetrators of transnational crime are seeking and receiving expert advice prior to organizing and carrying out their activities.

10. As a result of the scarcity of information, a tendency has developed over recent years to concentrate efforts principally on certain forms of crime. Drug trafficking is one criminal activity that has received prominence in the priorities of the majority of Member States. It is considered to be one of the most nefarious criminal activities and the biggest producer of illicit proceeds. Policies and legislation have therefore been developed or adopted in an almost universal effort to curb this criminal activity. International cooperation has been strengthened considerably and Member States have tangibly demonstrated their strong political will and invested in the fight against drugs. While this concentration of effort and resources has already begun to produce positive results, and commitments in that direction should continue, attention should not be diverted from the true dimensions of the problem, which is commensurate with the entire range of organized criminal activity ranging from the most traditional to the newest forms.

11. Organized and transnational crime is characterized by the ability to diversify its operations and engage in new activities or in new geographical areas as soon as they appear promising. The determining factor is not only profitability and high yield at low risk, but also success in the efforts against a particular criminal activity. It has been established that criminal groups respond to an increased risk for their operations with remarkable speed and flexibility. In the example used earlier, drug trafficking, it has become a standard practice for law enforcement authorities to measure their success or failure by the fluctuations in the street value of drugs. As soon as risk increases, criminal groups seek to identify other activities or commodities that offer potential for maximizing their profits without exposing them or

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*According to estimates of sales of certain drugs in the United States and Europe, presented in a report of the Financial Action Task Force on Money Laundering issued in February 1990, and an estimate of illicit drugs profits contained in a report entitled "Drug money-laundering, banks and foreign policy", submitted to the United States Senate Foreign Relations Committee in February 1990 by its Subcommittee on Narcotics, Terrorism and International Operations.

their members to the dangers of detection and apprehension. The same applies to the territorial aspect of criminal activity. Successful efforts of a Government against the operations of criminal groups is countered by shifting operations across frontiers to other jurisdictions that are less well organized or prepared, or, in the case of countries in transition to multiparty democracies, where pre-existing infrastructures have been eroded.

12. Besides narcotics, the activities of organized and transnational crime that have been known to yield high profits include trafficking in weapons, environmental crime (such as the disposal of toxic wastes), the removal, transport and sale of cultural property, and illicit trafficking in human body parts. The ability of organized and transnational crime to diversify its operations and constantly seek new markets and commodities is perhaps best illustrated by recent reports that suggest increasing involvement of organized criminal groups in the illicit sale and transport of nuclear material. The threats posed to international peace and security by this activity are obvious.

13. An area that has seen significant expansion in recent years is that of economic crime. It is fairly easy to understand the reasons for the interest of organized and transnational criminal groups in this area. Economic crime is profitable, difficult to detect and offers a reasonably low profile that helps minimize risks and divert attention from criminal groups. The absence of violence and the apparent "victimless" nature of economic crime is another attraction. The tendency to consider the perpetration of economic crimes by organized and transnational criminal groups less important than their more traditional and violent endeavours is understandable but dangerous. It is understandable as a natural derivative of the frustration over the inability to curb the occurrence of violent crimes and to control criminal groups. It is dangerous because the potential of economic crimes to undermine financial systems and sometimes entire national economies cannot be ignored.

14. The profits generated by criminal activities are the lifeblood of organized and transnational crime. Such profits form the financial base for further criminal activities. Consonant with the modern corporate structure of organized and transnational criminal groups, profits are systematically "reinvested" to ensure smooth operations and finance the expansion which often has become the long-term strategic objective. In order for the proceeds of crime to be enjoyed and further used, their illicit origin must be effectively concealed. In addition, such concealment serves the purpose of maintaining the insulating effect of the pyramidical structure of most organized criminal groups, whereby their leaders cannot be connected with the criminal conduct that generated the proceeds. Investments are also made in legitimate businesses in order to gain advantages in specific sectors of national economies that are related with the most profitable operations of organized and transnational criminal groups. Infiltration of and control over legitimate businesses are methods increasingly used to consolidate the position of organized criminal groups in particular countries as well as specific sections of the market.

15. In geographic terms, the situation offers little optimism for the future unless concerted, consistent and effective countermeasures are developed and implemented as a matter of priority. Organized and transnational criminal groups are expanding to nascent economies, intent on securing a position that would maximize their present advance investments. Countries that have recently begun overhauling their economies after long periods of central control and adopting market-economy principles as part of that process are being targeted

by organized criminal groups. These groups are taking advantage of the lack of knowledge and expertise, as well as the deficiencies in infrastructure, in order to enter those countries and consolidate their influence and position. Because of the urgent need for foreign investment to avoid the risk of social unrest and hardship for the population, the countries concerned are an attractive target for organized crime. The fact that the transition to market economies is still at the initial stages is also operating in favour of criminal groups that wish to expand. The concern expressed over the infiltration of economies in transition is sometimes dismissed as premature. One of the factors cited as a potential deterrent to the flow of illicit funds into economies in transition is the very primitive stage of these economies in economic and financial terms. In this context, the non-convertibility of currencies and associated factors, including high inflation and uncertainty regarding such matters as property legislation, are considered to pose a high risk that makes economies in transition unattractive for illicit funds. What is ignored, however, is that organized criminal groups operate in many ways like transnational enterprises and invest in the potential of economies in transition. This potential is measured by such factors as natural resources and other criteria affecting likely economic growth. Furthermore, the risks involved in these investments are significantly lower, as successful efforts on the part of law enforcement and judicial authorities are less likely.

16. Successful concealment of the origin and the subsequent "legitimization" of illicit proceeds, an operation now generally referred to as "money-laundering", has assumed great proportions and has become professional in nature. In this respect, proceeds of crime are channelled into the financial system by experts in financial systems and operations, aided by legal experts whose function is not only to provide advice on the loopholes of legal systems and national laws, but also to conduct some of the operations themselves. The sophistication and complexity of the methods used, which are amply documented elsewhere, demonstrate the ingenuity and professional meticulousness of the individuals or groups involved. It is, in truth, a new and growing "industry".

II. PROBLEMS ASSOCIATED WITH THE CONTROL OF THE PROCEEDS OF CRIME

A. Governmental perspective

17. Full comprehension of the ramifications of the problem posed by the proceeds of crime, and appreciation of the difficulties that need to be overcome for its effective prevention and control, require thorough assessment of all aspects and characteristics. They also require an examination of the entities involved and the problems faced by them in mounting, or implementing, effective measures for the control of the proceeds of crime.

18. The task of controlling the proceeds of crime and preventing their laundering confronts Governments and their criminal justice systems, on the one hand, and financial institutions on the other. In this sense it is as much a policy issue as a technical one. These are the aspects that need to be analysed in order to design effective strategies and measures, but also to ensure adequate implementation. It should be said at the outset that this analysis applies at all levels, national as well as international. The global nature of the problem, and therefore the need for globally coordinated action against it, should be the predominant consideration in all efforts.

19. The problems that confront Governments range from appropriate legislation to the procurement of equipment and the development of the necessary knowledge and expertise for the investigation, prosecution and adjudication of cases. The enactment of appropriate legislation often entails the review of a number of laws that are inadequate to meet a dynamic situation resulting from new methods used by those who seek to launder illicit proceeds.

20. Member States have adopted a variety of approaches to the prevention and control of the laundering of the proceeds of crime. Some have opted for the exclusive use of the criminal law as an instrument for this purpose. Some have placed the weight on civil and regulatory legislation, reserving only a limited role for criminal law. Others have devised a combination of criminal law provisions and sanctions with civil and regulatory provisions that are designed to deal with the various aspects of the problem. At present, there exists no ideal system that would be readily applicable in all countries of the world. The basic reason for this is that, while the methods used by money-launderers follow almost identical patterns, the particular situation of different countries, their needs and their legal and political systems vary significantly. This is not intended to mean that variations of the most successful systems cannot be replicated. Nor does it mean that approaches cannot be designed in such a way as to ensure the degree of harmonization that is absolutely necessary for effective international cooperation.

21. The situation in developed countries appears to be improving, as a result of an awareness of the impact of the proceeds of crime on well-developed and advanced financial systems, as well as of the dangers posed by it. Such improvements are also the result of efforts made by developed countries to give effect to various recommendations of intergovernmental bodies and to the provisions of international agreements, such as the model legislation of the Organization of American States and the 1988 Convention. There are, however, differences in legislation that are being exploited by organized and transnational criminal groups in order to carry out their money-laundering operations. The process of enacting provisions that would criminalize money-laundering as a separate offence are well advanced. The drafting of appropriate legislation that would allow law enforcement, investigative and judicial authorities to deal effectively with the issue of the proceeds of crime requires a thorough study of the situation in each country and an assessment of the magnitude of the problem and of the directions in which it is likely to develop. Legislation should assume as much a proactive role as a reactive one, seeking to prevent the proceeds of crime from penetrating licit financial markets, and being drafted in such a way as to enable the competent authorities of Member States to cooperate effectively and promptly with their counterparts in other countries. Legislation is also sometimes required to clarify and amend existing laws that are interpreted or implemented in ways that reduce much of their intended effectiveness.

22. A major problem encountered by a number of Member States is a lack of knowledge, expertise and specialization needed to detect money-laundering techniques and practices. The problem may perhaps be more acute in developing countries, but it does not appear exclusively there. It could be said that the constantly increasing investments of organized and transnational crime in technology and expertise are outpacing the law-enforcement capacities of many Member States. The resources, including technology, placed at the disposal of law enforcement, investigative and judicial authorities are, in the majority of cases, inadequate to allow them to match the sophistication of money-launderers and their expert advisers.

23. Member States are beginning to realize that proceeds of crime are posing a grave danger to their financial systems and national economies, threatening to destabilize them and upset the very delicate balances that form the basis for the operations of every free-market economy. Major occurrences have been reported and documented in the international press with alarming frequency. In recent years the international community has experienced international frauds, involving banking and financial institutions in many countries, with implications often extending beyond the loss of money by depositors into the political sphere or affecting international relations. Moreover, there are disturbing indications that such events may represent only a fraction of the actual size of the problem created by the laundering of the proceeds of crime. A major concern is the fact that money-laundering operations frequently span long periods of time, often years, detection being due to a coincidence or a stroke of good luck. In most of the cases that have attracted the attention of the international media, a common element has been the desperate efforts of law enforcement and investigative and regulatory authorities *ex post facto* to untangle the web of transactions, deals and relationships that took years of careful planning to build. The inevitable conclusion is that even countries with the most advanced systems can be, and are, vulnerable to infiltration by the proceeds of criminal activity, and that for effective control, prevention is as urgently needed as action.

24. The risks that financial systems and economies run are proportionate to their size, complexity and sophistication. The infiltration of stock markets, securities and commodities exchanges, and money markets of international standing by proceeds of criminal activity threatens their very existence, not only by shaking the confidence of the public and institutional investors, but also by the potential for creating a chain reaction that can have consequences of destructive proportions. Recent developments in the international money markets and the currency crises that have caused currency realignments demonstrate the delicate balances currently at play in the global economy. The power that the vast amounts of illicit proceeds could exert in the legitimate financial markets assumes threatening dimensions when considered in the light of these delicate balances. The risk faced by many developing countries is as great. These countries are in a quandary between taking steps towards preventing the proceeds of crime from entering their economies, on the one hand, and depriving their economies from the foreign investment capital that they desperately need, on the other. Procedures designed to thwart money-laundering may be regarded by some as hindering foreign investment.

B. Perspective of financial institutions

25. The issue of the proceeds of crime should be examined also from the perspective of the financial institutions that are major actors in the economy, unwittingly or not, at both the national and international level. These institutions have a considerable contribution to make in the control of money-laundering.

26. The global economy today is characterized by the movement of funds between financial institutions through elaborate electronic means that have revolutionalized transactions. The volume of these transfers and the speed at which they are performed create often insurmountable monitoring problems, which are exacerbated by money-laundering methods and techniques of such sophistication that financial institutions lack the knowledge and expertise required for detecting suspicious transactions. Financial institutions depend

on certain long-established principles inherent in the nature of their business. One of these principles, confidentiality, is exploited by the professionals who launder criminal proceeds. Financial institutions are therefore in the difficult position of having to tread a fine line between preventing infiltration by proceeds of crime and not compromising the trust placed in them by their clients. This position becomes even more difficult in the face of often strict bank secrecy legislation that may prevent even the most willing financial institutions from lending their cooperation and assistance to law enforcement and investigative authorities. Cooperation with such authorities in investigations that require financial institutions to disclose information relating to the holders or beneficiaries of accounts may expose them to civil action that can result in substantial compensation payments. Such civil action is conceivable even in the absence of bank secrecy laws, and effective protection of financial institutions is necessary to ensure that their cooperation would not adversely affect their operations.

27. The monitoring and reporting of transfers and suspicious accounts and transactions requires, besides legal protection, major investments on the part of financial institutions in human resources development and training, as well as in equipment. In view of the latest technological innovations, monitoring and accurate reporting also requires the development of detailed procedures, which can be quite complicated. All these requirements inevitably increase the cost of services provided by financial institutions, and may also affect the speed of their transactions, a crucial factor in today's demanding global markets. Financial institutions that put in place all the procedures necessary for the effective control of the proceeds of crime, and for rendering assistance to law enforcement and investigative authorities, may run the risk of reducing their competitive edge at a time when financial services and markets are fiercely competitive. For financial institutions competing for business globally, this is a major concern which the recommendations of the Financial Action Task Force seek to address.

28. The provision of adequate incentives to induce financial institutions to lend their cooperation and support to the efforts against the laundering of the proceeds of crime should be considered. Financial institutions in a number of countries may be tempted by the appeal of obtaining the status of a financial centre by failing to pay sufficient attention to the long-term threat of infiltration by the proceeds of crime. In other cases the short-term gains can be immensely profitable. Organized and transnational criminal groups are prepared to handsomely reward assistance by financial institutions, offering, according to some estimates, fees that range from 4 to 10 per cent of the amounts that a financial institution may be willing to accept as deposits. The percentage depends on the amount of cash involved, its source and the perceived risks. It should be realized that, in spite of their size, such fees still represent an acceptable cost for the successful enjoyment of funds obtained illicitly. They should therefore be taken into account in designing measures to ensure cooperation on the part of financial institutions. Such measures should be structured in such a way as to eliminate the benefits derived from the payment of fees by money-launderers. At the same time, financial institutions that operate internationally should be encouraged to develop measures to ensure that their affiliates are not compromising their standards. The recommendations of the Financial Action Task Force also seek to address these issues, but will lead to success only if implemented by all financial institutions.

III. ACTION AGAINST THE LAUNDERING OF THE PROCEEDS OF CRIME

29. Effective policies and strategies against the laundering of the proceeds of crime must be designed in a fashion that would produce both short- and long-term results. The short-term goals should be to contain and control the problem. This would allow law enforcement, investigative and judicial authorities to bridge the gap by acquiring the skills and expertise necessary for countering the sophistication and ingenuity of professional money-launderers. The long-term objectives should be to put in place mechanisms designed to prevent the laundering of the proceeds of crime, or at least to make such laundering extremely difficult by significantly increasing the risks involved. Such a long-term strategy would deal effective blows to organized and transnational criminal groups by severing their lifeline and depriving them of the means of existence and expansion.

30. Policies and strategies against the laundering of the proceeds of crime should be designed and implemented taking into account certain basic elements of the problem on the basis of certain fundamental principles, as outlined below.

31. The basic characteristics of the laundering of the proceeds of crime, which to a large extent also mark the operations of organized and transnational crime, are its global nature, the flexibility and adaptability of its operations, the use of the latest technological means and professional assistance, the ingenuity of the operators and the vast resources at their disposal. In addition, a characteristic that should not be overlooked is the constant pursuit of profits and the expansion into new areas of criminal activity. The principles on which policies and strategies should be based would naturally derive from a careful evaluation and assessment of these elements. They should be comprehensive so as to avoid loopholes that would be immediately exploited by launderers. They should be the result of concerted efforts and close cooperation between governmental agencies and policy makers, on the one hand and financial institutions, on the other. They should be designed to foster international cooperation to offset the flexibility and adaptability of money-laundering operations. They should be structured to permit them to counter new methods and techniques of money-laundering as they develop. They should be geared to long-term objectives by being as much proactive as reactive. In addition, all measures, regardless of their nature, should complement each other within the framework of a consistent approach.

32. One consideration that should prevail in all policies and strategies against the laundering of the proceeds of crime is the maintenance of a very important balance. They should be designed to deal effectively with the problem without prejudicing normal and legitimate financial activity. In view of the scale and potential impact of the problem, particularly in cases that attract the attention of the international media, care must be taken to avoid overreactions. Effective policies should resist the temptation of overregulation that may, to differing extents depending on the conditions prevailing in each economy, compromise free-market principles, hinder investment, and thus adversely affect growth and development.

33. Measures against the laundering of the proceeds of crime can be divided into three major categories. One comprises primarily legislative initiatives; the second consists of measures of a regulatory nature; and the third contains infrastructure-building measures.

34. Legislative measures should be based on a thorough review and evaluation of existing laws to identify the means by which countries could deal with and control the proceeds of crime and to prepare the necessary amendments. The laundering of the proceeds of crime should be made a separate offence through the enactment of new laws where they do not exist, or the modification of existing ones to take into account recent developments and new techniques. One issue that deserves particular attention is that of "predicate offences". In many countries where money-laundering is a criminal offence, there has been a tendency to link it to drug-related offences. Such a link limits considerably the scope of the relevant legislation and diminishes its effectiveness. Legislation should cover the proceeds of criminal activity in general, with particular emphasis on crimes perpetrated by organized and transnational criminal groups. It should also be structured to lend itself to international cooperation by taking into account, and as far as possible adapting itself to, the practices of other countries. Such an approach is being followed by all relevant bodies, including the Organization of American States, the Financial Action Task Force and other United Nations entities.

35. Legislative measures should also give consideration to issues such as corporate criminal liability. There are considerable difficulties associated with both the concept and the implementation of corporate criminal liability. In addition to problems relating to basic principles in the theoretical foundations of criminal law in various legal systems, the establishment of corporate criminal liability, even where it exists, often presents legal difficulties, some of which derive from a problem confronting many countries in connection with economic crime in general. The effective application of relevant legislation largely depends on the availability of expert knowledge for the detection, investigation and adjudication process. In spite of such difficulties, however, it may be necessary, for deterrence purposes, to include provisions relating to corporate criminal liability in legislation against the laundering of the proceeds of crime. As noted above, such provisions should be carefully drafted to avoid becoming a hindrance to legitimate business activity.

36. The legislation that most assists launderers of the proceeds of crime is that relating to bank secrecy. In many countries, progress has recently been made in relaxing such laws in limited circumstances in order to facilitate law enforcement, investigative and judicial authorities in securing evidence. There are, however, a number of jurisdictions where bank secrecy laws are creating insurmountable problems to the detection and investigation of laundering cases. Some secrecy laws forbid any disclosure of information related to accounts and financial transactions. Effective measures would need to take into account existing legislation in order to lower the barriers to the control of the proceeds of crime. Each country will need to assess its own situation and priorities, but a certain degree of harmonization of relevant legislation is necessary to foster international cooperation. The relaxation of bank secrecy laws should be coupled with provisions that would shield financial institutions from civil action against them when they cooperate with the competent authorities by disclosing information pertaining to their clients. Such a measure is of particular importance to ensure that legislation is fully implemented. In some countries the "carrot-and-stick" approach is adopted. Financial institutions can be prosecuted for money-laundering, but are exempt from prosecution and breach-of-confidentiality actions in respect of transactions reported by them in good faith.

37. Some of the modern techniques of the laundering of the proceeds of crime include the use of fiduciary accounts, trust accounts (also known as "omnibus"

accounts) and shell corporations, which can provide a secondary layer of protection whereby, even if the bank secrecy veil can be lifted, it would still not be possible to ascertain the beneficial ownership of the laundered funds. Comprehensive legislation should take into consideration such entities and include measures that would prevent money-launderers from using them. Particular attention should be given to trust accounts, in so far as they are used by professionals, such as attorneys, and by investment firms. In addition to bank secrecy laws, the use of such accounts may impose a further layer of secrecy, hindering the detection and investigation of laundering cases because of the well-established attorney-client privilege. Legislation would therefore need to address the matter and strike an effective balance between the retention of the privilege and the prevention of its abuse.

38. The seizure and confiscation of the proceeds of crime has been the subject of considerable debate, not so much about the actual practice of confiscation, which is generally accepted as an effective measure against crime, but about the extent of confiscation, both in personal and material terms, and its procedural aspects. Some countries may be facing legal impediments that limit the use and application of the measure, while others that already have legislation to that effect may be faced with a situation where the legislation is interpreted in a restrictive manner. In spite of these appreciable difficulties, and in the absence of insurmountable obstacles created by constitutional law and practice, the resort to confiscation of criminal proceeds should be given favourable consideration in all jurisdictions. Relevant legislation should, to the extent possible, take into account the practice in other countries in order to make possible international cooperation in the seizure and confiscation of criminal proceeds, as has been done in relation to both the 1988 Convention and the Convention on Laundering, Search, Seizure and the Confiscation of the Proceeds from Crime, 4/ adopted by the Council of Europe.

39. An issue related to the confiscation of criminal proceeds is the creation of special funds in which such proceeds are deposited. In countries that are advanced in this field, confiscated assets are being used for various purposes, including the implementation of social policies, drug rehabilitation and the financing of research. In addition, assets deposited in such funds are often used, with considerable success, to build up or strengthen the infrastructure of law enforcement authorities.

40. Regulatory action, comprising the second category of measures, may be as important as legislation. Governments should give favourable consideration to establishing guidelines for investments, particularly foreign, that would include suitability reviews aimed at ensuring that investors are not associated with, or controlled by, criminal groups, and that the investment capital does not include or consist of criminal proceeds. A measure that can form part of this regulatory action may be the establishment of licensing controls that would operate with respect to the shareholders and major investors of large corporations, especially financial institutions. The regulatory mechanisms that would be set up should be structured around two major policies. They should be made to ensure flexibility and adaptability, taking into account practices in other countries, in order to foster international cooperation. Equally importantly, they should not become bureaucratic procedures that would create obstacles and delays for legitimate business activity.

41. Infrastructure-building, the third category of measures, must complement and reinforce the other two. The complexity of the problems created by the

laundering of the proceeds of crime is such that it requires expertise from various disciplines. The investigation of major cases recently undertaken demonstrates that securing evidence and reconstructing the activities involved in laundering operations (known as "following the paper trail") is an extremely arduous and demanding process, even in countries where the legislative framework permits this. Law enforcement, investigative and judicial authorities often lack the required expertise. Training and retraining programmes are therefore essential. The establishment of investigative teams composed of experts from various disciplines is an approach that also merits attention, as does investment in research and development for the purpose of intelligence gathering and investigation. In this connection, attention should be given to the possibility of establishing data analysis centres to monitor, with the direct involvement and assistance of financial institutions, large transactions and electronic transfers to enable early detection of possible laundering operations (what could be termed "early warning centres").

42. The cooperation of financial institutions is of cardinal importance in all efforts against the laundering of the proceeds of crime. Certain measures would be ineffective without their participation, and their assistance and support are essential both in the implementation of relevant legislation and in the development of policies and strategies. As mentioned already, financial institutions must overcome certain problems before they are in a position to effectively cooperate with and assist law enforcement, investigative and judicial authorities. It could be said that policies and strategies against the laundering of the proceeds of crime should have as one of their prime objectives the creation of an atmosphere of consensus regarding the measures to be devised and implemented. The financial institutions should be parties to that process and consensus. It remains the prerogative of Governments to adopt and implement measures of a legislative and regulatory nature. Financial institutions should be consulted, however, in view of their immediate involvement, and should share the burden of efforts against the laundering of proceeds of crime.

43. Financial institutions should be strongly encouraged to undertake a firm commitment to do everything in their power to refuse funds of illicit or suspicious origin. In the context of this commitment, they should develop mechanisms of self-regulation and devise and adopt internal procedures designed to reduce the risk of their operations being used as vehicles for the laundering of the proceeds of crime, with the long-term aim of shielding them entirely from that eventuality. Such mechanisms and procedures could take the form of internal codes of conduct, with provisions that would regulate staff duties and responsibilities regarding the detection, monitoring and control of suspicious transactions.

44. Financial institutions should be encouraged to develop and implement mechanisms that would allow them to monitor and report suspicious transactions at regular intervals to the competent authorities. These mechanisms can exist only in conjunction with legislation that would ease bank secrecy laws. The establishment or enhancement of internal auditing controls may be an appropriate way of strengthening the capacity of financial institutions to monitor suspicious transactions. Internal auditing controls may begin by undertaking a thorough examination of existing accounts to verify the identities of holders and reviewing records of transactions to detect movements of illicit funds. The aim of these reviews and internal auditing controls would be to establish whether there are patterns of transactions that require attention on the part

of the financial institution, and to put in place a transaction pattern control mechanism, as well as serving to educate staff. Such reviews need to be carried out with the utmost discretion in order to avoid breaching the duty of confidentiality that financial institutions owe to their legitimate clientele, and also not to hinder legitimate business transactions and operations. Internal auditing controls should be supplemented by regular statistical surveys of operations designed to provide financial institutions with a constant and reliable source of information.

45. There is a need for financial institutions to build or strengthen their capacity to monitor certain operations that are particularly prone to manipulation by professional launderers of criminal proceeds. Electronic transfers of funds is one area that requires particular attention and where capacity-building should receive priority. Interbank and intrabank transactions are very important in this respect. They represent a vast volume of daily work for financial institutions which has to be carefully monitored, since they are known to be used as one of the stages in the process of concealing the origin of funds and rendering them legitimate.

46. Financial institutions should also render themselves capable of effectively controlling the investment packages and portfolios that they compile and manage for their clients. The risk to be avoided is twofold. On the one hand, financial institutions should devote attention to the particular components of the investment packages and portfolios that they put together, in order to avoid having them tainted by elements owned or controlled through the use of illicit proceeds. On the other hand, financial institutions should exercise care regarding the clients to whom they offer investment and portfolio management services only.

47. An area where particular emphasis should be placed involves the transnational operations of large financial institutions and the control exercised over affiliates and branches in other countries. Large financial institutions whose operations extend across borders and cover many regions have an additional responsibility to make sure that the standards that they adopt at home apply equally to all their operations, regardless of geographical location or other circumstances. The issues involved in this undertaking present significant difficulties, since a financial institution may have affiliates or branches in countries whose laws, especially regarding bank secrecy, are not only diverse but also incompatible. In addition, internal rules cannot be contrary to government policies of the countries in which affiliates operate. Such difficulties, however, should not prevent financial institutions from setting high standards of professional integrity for their staff, and ensuring that their operations are not tainted in any way by criminal proceeds.

48. As noted above, the adoption and implementation of measures against the laundering of the proceeds of crime is not without cost for financial institutions. The mechanisms and procedures mentioned would require considerable investment in training of staff and equipment. In many countries, the assistance of financial institutions would be required to build capacities currently not existing. The importance of prevention and control of the laundering of the proceeds of crime, however, should override these considerations. Financial institutions should be encouraged to take the lead in devising and implementing the necessary measures, considering the related costs as a long-term investment that will produce beneficial returns.

IV. INTERNATIONAL COOPERATION AND INITIATIVES

49. The international community has demonstrated that it is not insensitive to the problem of the proceeds of crime. At the multilateral level, a number of commendable initiatives have been undertaken in recent years, receiving favourable attention and meeting with a rather encouraging response.

50. The 1988 Convention includes provisions that require contracting parties to criminalize money-laundering in connection with drug-related offences. The Convention entered into force on 11 November 1990, and by October 1991 it had been ratified by 48 Member States. UNDCP has undertaken a number of activities to promote implementation of the 1988 Convention, and, although ratification of more than 50 per cent of the signatory countries is still expected, significant progress has been achieved.

51. In June 1990, the Council of Europe adopted the Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime. The Convention was drawn up by experts from member States of the Council of Europe, in consultation with experts from a number of other States, including Australia, Austria, Canada and the United States of America. It is prima facie non-offence-specific and includes provisions for the criminalization of money-laundering, although it allows signatories to specify the predicate offences at the time of signature or ratification.

52. Other regional initiatives include a directive on the prevention of use of the financial system for the purpose of money-laundering, issued in 1991 by the Council of Ministers of the European Communities (91/308/EEC), and model regulations developed by a group of experts of the Organization of American States. 5/

53. One of the most comprehensive examinations of the question of money-laundering is the report issued in February 1990 by the Financial Action Task Force on Money Laundering, set up by the Group of Seven major industrialized countries, which contains 40 principal recommendations for dealing with the problem. The aims of the Task Force are, inter alia, "to assess the results of cooperation already undertaken to prevent the utilization of the banking system and financial institutions for the purpose of money-laundering, and to consider additional preventive efforts in this field, including the adoption of the statutory and regulatory systems to enhance multilateral legal assistance".

54. At the level of financial institutions, the Basle Committee on Banking Regulations and Supervisory Practices, a regulatory body composed of central bank representatives, issued in 1988 a statement of principles on the prevention of criminal use of the banking system for the purpose of money-laundering. The Committee recognized that public confidence in banks may be undermined by their association with criminals, and outlined a number of principles that its members should follow to combat money-laundering through the banking system. Emphasis was placed on customer identification, conformity to laws, establishment of high ethical standards, cooperation with law enforcement authorities and training of staff.

55. The Commission had before it, at its first session, a preliminary analysis of these initiatives, including a comparison of their provisions and the definitions that have been used regarding money-laundering and the control of the proceeds of crime in general (E/CN.15/1992/4/Add.5).

56. The control of the proceeds of crime is a problem confronting the international community as a whole. No country can claim or hope to be immune to its occurrence and effects, and no country can cope with it alone. As mentioned earlier, one of the fundamental characteristics of the problem is the ability of those engaged in concealing the origins of criminal proceeds and integrating them into the legitimate mainstream economy to shift their operations with remarkable speed and ingenuity across national frontiers and through economic systems. Economic or financial indicators that might discourage legitimate businesses from expanding or investing do not have a similar effect on the investors of criminal proceeds, who are ready to assume greater financial risks. The potential of criminal proceeds when they infiltrate the infrastructure of a financial system and the power that criminal groups can derive from such infiltration can have disrupting and destabilizing effects extending far beyond the confines of national or regional economies. In fact, as regions lower their barriers and move toward closer cooperation and economic integration, the potential deleterious effects assume dimensions that give cause for grave concern. Such a concern arises from the understanding that in the absence of carefully planned, consistent and effective policies and countermeasures, economic policies, measures and innovations intended to foster development and growth may also mask the illicit origin of funds flowing across national frontiers.

57. International cooperation should aim at the establishment of an effective global system that would eliminate the opportunities for concealing the origins of the proceeds of crime, control such proceeds and ultimately prevent them from tainting licit financial and business activities and infiltrating national economies. International cooperation should be based on a thorough comprehension of the nature, extent, ramifications and potential dangers of the problem. It should be structured on the basis of a comprehensive knowledge and expert assessment of profit-generating criminal activity, its trends and areas of involvement. International cooperation should be founded on an understanding of the needs and concerns of all Member States, and should seek, as one of its goals, to address those needs and concerns in the best possible way. It should also take into account the capabilities of Member States and strive to improve them. Finally, as with national policies and strategies, or perhaps even more so, international cooperation should be motivated by and aim at the achievement of the long-term objective of eventually eliminating the source of criminal proceeds.

58. The initiatives mentioned earlier are indeed steps in the right direction and contain a major part of those principles which, if properly adhered to, could begin to produce results. Each of these initiatives represents different approaches to the problem and has its own rationale. Some of the initiatives have linked money-laundering with a specific predicate offence, such as drug trafficking, thereby limiting their scope of application. Others are based on assumptions regarding the existence and capacity of the legislative and financial infrastructure, which may not be valid throughout the world. Yet others are designed on the basis of principles and concepts characteristic of particular legal systems, and for the purpose of meeting concerns which may not be readily shared by a more global audience. Finally, a number of the existing initiatives have a regional nature, which limits their reach and consequently their effectiveness.

59. The global nature of the problem requires a truly global approach. The valuable work done by the various entities mentioned above continues and could be combined in a coordinated, multilateral effort to broaden its scope and

effectiveness. International action aimed at controlling the proceeds of crime must be based on an international perspective and founded on a global consensus. The control of the proceeds of crime, particularly in the context of a rapidly changing international environment, is of such importance that no effort should be spared to reach a consensus. The response of the international community and its increasing mobilization demonstrate that meaningful international cooperation is not beyond reach. The importance of the problem and its potentially detrimental effects militate against approaches that risk obscuring the true dimensions of, and diverting attention from, the action required. It would be unfortunate if the urgency of action and the eagerness to achieve tangible results were to be misinterpreted as a demonstration of power over or lack of consideration for the needs or sensitivities of members of the international community with less sophisticated financial systems. The establishment of a global system of control of the proceeds of crime would undoubtedly require the eventual consideration of issues of compliance. If international cooperation is founded on genuine consensus, however, such considerations should not present great difficulties, since they would enjoy the widest possible support.

V. THE ROLE OF THE UNITED NATIONS CRIME PREVENTION AND CRIMINAL JUSTICE PROGRAMME

60. The need for strengthened international cooperation has been repeatedly acknowledged. There is a growing convergence of opinion that merely displacing the occurrence of the problem from one area to another produces only ephemeral results. The rapidly changing economic and political environment and the consequent extinction of divergent political perspectives that stood in the way of multilateral approaches and arrangements has created an atmosphere that is conducive to innovative solutions and meaningful international cooperation. The perceived sensitivity of certain issues, however, and the wish to make arrangements that would go beyond the lowest common denominator, have led to a preference for forms of cooperation, in other than drug-related areas, that require extensive negotiations of a bilateral nature. Recognizing the merit of those arrangements and their favourable potential for international cooperation, but also acknowledging the concern of Member States to devise arrangements on mutually beneficial grounds, the General Assembly adopted, by its resolution 45/117 of 14 December 1990, the Model Treaty on Mutual Assistance in Criminal Matters, which includes an Optional Protocol concerning proceeds of crime. The Model Treaty and the Optional Protocol are designed to enable Member States to develop mutual assistance in connection with the following: seizure of criminal proceeds, foreign forfeiture registration, pecuniary penalty and restraining orders; warrants in relation to goods and property that are the proceeds of crime; applications for interim restraining orders pending registration of, or other action on, corresponding foreign orders; and applications for monitoring or production orders in relation to accounts in financial institutions and documents relevant to the money trail. The Model Treaty on Mutual Assistance, together with the Model Treaty on Extradition, endorsed by the General Assembly in its resolution 45/116 of 14 December 1990, could provide a useful framework for further action at all levels. While the value of bilateral arrangements is uncontested, the global nature of the problem warrants consideration of gradual departure from an excessive reliance on them. There is also no apparent reason for regarding the problem posed by the proceeds of crime as lesser when it relates to criminal activity other than that which is the subject of multilateral conventions.

61. The Economic and Social Council, in its resolution 1992/22 of 30 July 1992, recognized the Commission as the primary policy-making body of the United Nations in the field of crime prevention and criminal justice. By including money-laundering in one of the priority themes for the work of the United Nations crime prevention and criminal justice programme, the Council also recognized the desirability and urgency of global action for the control of the proceeds of crime. In addition to its function in terms of policy-making, the Commission is in a relatively advantageous position for three reasons. It encompasses international expertise in crime prevention and criminal justice matters, and it constitutes the intergovernmental guiding force of a programme with global constituency. Thirdly, it is in a position to work in conjunction with other United Nations programmes, notably UNDCP, thus providing a coordinated approach. The report on the implementation of Economic and Social Council resolution 1992/22 (E/CN.15/1993/10) outlines the measures already taken to enhance collaboration with UNDCP.

62. The contribution of the United Nations crime prevention and criminal justice programme to the control of proceeds of crime can be instrumental and take many forms, depending on the extent of support it is to receive from the international community. The programme can build on initiatives already undertaken to deal with various aspects of the problem, consolidate them, and expand their focus, scope and application in order to assist the international community in establishing a global system of effective control of the proceeds of crime in relation to criminality generally. In this connection, the outline for an international conference on money-laundering developed by a meeting of experts organized by the International Scientific and Professional Advisory Council merits attention (E/CN.15/1992/NGO/4), as it may serve as a springboard for future action in the direction of a global approach to the problem, in conjunction with other United Nations programmes and intergovernmental organizations.

63. The United Nations crime prevention and criminal justice programme could undertake a comprehensive global study of the issue, which would include a thorough analysis of the methods and techniques used, the trends as they develop, both in geographic and substantive terms, as well as the legislative and regulatory measures adopted. Such a study would be geared toward the compilation of information from various sources, including Governments and financial institutions around the world, as well as intergovernmental organizations and bodies. The information would be collected and processed in an electronic database, accessible through the United Nations Crime and Justice Information Network, and be disseminated in a systematic fashion, as part of the clearing-house functions of the programme. The purpose of the study would be to provide a global view of the problem, place it in perspective, and thus assist policy and decision makers in Governments and the financial community in performing their functions and gearing their output towards more effective international cooperation. Preparations for the study and the compilation of the relevant information have already begun, in compliance with resolution 24 of the Eighth Congress. To date, 42 Governments have responded to the request of the Secretary-General for information on their legislation. In order for a comprehensive study to begin taking shape and for reliable conclusions to be made possible, the Commission may wish to encourage Member States to increase the rate of response to such calls. The clearing-house function of the programme can also assist regional bodies, such as the Financial Action Task Force, in disseminating information about their work, initiatives and progress to a broader audience than that represented by their membership.

64. The provision of practical assistance to requesting Member States can and should take other forms as well. The objectives of such assistance would not be restricted to the collection and dissemination of information, but to building on it. The programme could develop an assistance package that would extend from needs assessment and policy advice to infrastructure-building, designed to address all parameters of the problem and provide effective solutions to all its aspects. Work is taking place to develop the necessary training curricula and, on a regional basis, the affiliated institutes may also be able to assist. Clearly, wherever possible, such activities would be planned and carried out in cooperation with UNDCP.

65. The United Nations crime prevention and criminal justice programme could provide assistance in the formulation of these policies and strategies and in the development of the requisite measures. Contributions to ongoing development of model legislation on the basis of the consolidated knowledge and international expertise available or accessible to the programme would be one of the contributions to the global effort for the control of the proceeds of crime. Such model legislation would be developed taking into consideration the various initiatives already undertaken, employing the most effective strategies as demonstrated by international experience, and guided by the need for a certain degree of harmonization that is essential for effective international cooperation. The model legislation would be developed in the form of a framework that would allow adaptation to the needs of each Member State that might wish to use it to revise its national legislation. The crime prevention and criminal justice programme could also develop a system of providing expert advice to requesting Member States regarding the legislative and regulatory revisions necessary, as well as training on the implementation of the new legislation, again as far as possible in conjunction with UNDCP and relevant intergovernmental bodies.

66. In order to strengthen the capabilities of Member States, the programme would provide assistance, on request, to enable them to enhance their ability to effectively detect, investigate and adjudicate cases involving the laundering of the proceeds of crime. Such assistance could include the provision of expert advice and training with respect to the establishment of special investigative teams and effective methods of securing, presenting and evaluating evidence. It could also include provision of expert advice, training and equipment for the establishment of monitoring centres for data analysis to permit detection of laundering operations ("early-warning centres").

67. The programme could develop guidelines designed to assist Member States, at their request, in putting into place suitable controls for the review of foreign investment. These guidelines would be designed to screen investments to ensure that countries with little experience in forms of criminal activity such as the laundering of the proceeds of crime do not become the target of such operations. At the same time, they would ensure that the relevant provisions and mechanisms are developed in an efficient and expeditious fashion so as to avoid discouraging legitimate business activity and investment. These guidelines would be accompanied by the provision of expert advice and training regarding their implementation.

68. In view of the important role that the financial institutions have to play in every effort to control the proceeds of crime, the United Nations crime prevention and criminal justice programme could, by drawing on work already done in a number of areas, assist in developing guidelines to assist financial institutions in detecting suspicious patterns of behaviour. The

programme could similarly develop guidelines on measures designed to guard against the acquisition or control of financial institutions by illicit concerns or individuals involved in criminal activities. In addition, the programme could develop a standardized reporting format for suspicious and unusual transactions, which could be readily adapted to the needs of individual financial institutions and used by them in discharging their reporting obligations. These guidelines would be developed in close cooperation with financial institutions in order to ensure that they reflect their needs and concerns and to receive the benefit of their expert knowledge and experience. They could be coupled with the provision of expert advice and training regarding their adaptation and implementation in order to ensure maximum effectiveness and efficiency.

69. The contributions outlined above and the provision of technical assistance are directly and inextricably linked with the availability of resources, both human and material. The present resource level of the United Nations crime prevention and criminal justice programme is not adequate to allow it to meet the various demands made on it. This question is addressed in the report on the implementation of Council resolution 1992/22. The problem of the proceeds of crime has attracted the attention of a number of funding agencies, as well as intergovernmental organizations and bodies, such as the International Monetary Fund, the World Bank and the Organisation for Economic Co-operation for Development. There are clear indications that these entities are favourably considering the inclusion of the issue of the proceeds of crime in their funding and assistance priorities. The Commission of the European Communities and the Council of Europe are also considering the possibility of providing assistance to certain countries or regions. Moreover, according to its report for 1991-1992, the Financial Action Task Force is putting together a register of expertise and technical assistance that each member can provide. When complete, this register will be able to function as a source of programmes of assistance to non-member countries developed by international organizations or by the Financial Action Task Force itself. 6/ The United Nations crime prevention and criminal justice programme could work in partnership with these organizations or entities and receive support from them, financial or in kind, that would allow it to address the multiple needs of Member States and to develop global responses to the problem. The Commission may wish to consider ways and means of addressing the issue and approaching the entities mentioned above in order to ensure fruitful and mutually beneficial forms of cooperation that would produce the desired results.

Notes

1/ United Nations publication, Sales No. E.91.XI.6.

2/ *Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August-7 September 1990: Report prepared by the Secretariat* (United Nations publication, Sales No. E.91.IV.2), chap. I, sect. C.

3/ *Official Records of the Economic and Social Council, 1992, Supplement No. 10* (E/1992/30), chap. I, sect. C.

4/ *European Treaty Series*, No. 141 (Strasbourg, Council of Europe, 1990).

5/ Organization of American States, "Final report of the group of experts to prepare model regulations concerning laundering offences connected to illicit drug trafficking and related offences" (OEA/SER.L/XIV.2.11).

6/ Financial Action Task Force on Money Laundering, "Annual report 1991-1992" (Paris, 1992).

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TECHNICAL COOPERATION

The need to identify the most practical course of action to fully operationalize the United Nations crime prevention and criminal justice programme, including financial possibilities

Report of the Secretary-General

Summary

The present report outlines the steps that could be taken to operationalize the United Nations crime prevention and criminal justice programme and enable it to respond to the needs of Governments and the international community. After a brief indication of existing needs, ways of responding to priority concerns are suggested, covering the main programme areas and modalities, with emphasis on advisory services, training activities, operational research, clearing-house facilities and sources of funding.

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INTRODUCTION

1. The Economic and Social Council, in its resolution 1992/22 of 30 July 1992, adopted on the recommendation of the Commission on Crime Prevention and Criminal Justice, decided that, in view of the priority assigned to strengthening operational activities in crime prevention and criminal justice, the agenda of the Commission, beginning with its second session, should include a standing item on technical assistance. Accordingly, by its decision 1992/274 of 30 July 1992, also adopted on the recommendation of the Commission, the Council included in the agenda of the second session of the Commission item 4 on technical cooperation. For the discussion on this subject, the Secretary-General was requested to prepare a report "on the need to identify the most practical course of action to fully operationalize the United Nations crime prevention and criminal justice programme and enable it to respond to the specific needs of Governments, including financial possibilities".

2. The inclusion of technical cooperation as a recurrent item for consideration by the Commission reflects the emphasis placed by the Council and the Commission on operational activities as a prime means of strengthening the practical orientation of the crime prevention and criminal justice programme and achieving tangible results. It also follows the recommendations of the Ministerial Meeting on the Creation of an Effective United Nations Crime Prevention and Criminal Justice Programme, held in Paris from 21 to 23 November 1991, 1/ and of the General Assembly, which, in its resolution 46/152, annex, paragraphs 17 and 18, of 18 December 1991, stressed the need for technical assistance, including advisory services, particularly in respect of the planning, implementation and evaluation of crime prevention and criminal justice programmes, training, the use of modern communication and information techniques, demonstration and pilot projects and other appropriate modalities of aid. The United Nations was called upon directly to carry out the relevant technical cooperation activities or act as a coordinating or facilitating agent. The creation of mechanisms was also envisaged to provide flexible and appropriate assistance, corresponding to the needs of Member States, at their request.

3. As stated in Council resolution 1992/22, section I, paragraphs 3(a) and 3(b), the strengthening of the programme was intended to assist interested States in identifying their crime prevention and criminal justice needs and addressing them through technical cooperation, particularly in relation to law reform, including the elaboration of criminal codes and other legislative or procedural improvements, more effective crime prevention and criminal justice planning, policies and strategies, human resources development and the implementation of United Nations norms and guidelines. The larger aim was to contribute to the preservation and reinforcement of democracy and justice based on the rule of law, taking appropriate account of United Nations norms and standards concerning crime prevention, criminal justice, law enforcement and protection of victims, as well as means of conflict resolution and mediation.

4. The Council reaffirmed the request of the General Assembly to the Secretary-General to take the necessary measures to commit the human and financial resources necessary to strengthen the programme as a whole, with emphasis on designing, implementing and monitoring technical cooperation projects at the national, regional and subregional levels. The international community was called upon to increase its support of technical cooperation and assistance activities for the benefit of all countries, particularly developing and

smaller countries and those in transition, in order to help expand and reinforce the infrastructure needed for effective crime prevention and for viable, fair and humane criminal justice systems.

5. To strengthen technical assistance activities, a new subprogramme on operational activities, planning and overall coordination, proposed by the Commission, the Council and the Committee for Programme and Coordination in revisions to the medium-term plan for the period 1992-1997 (A/47/6 (Prog. 29)), was approved by the General Assembly, as were revised estimates of the programme budget for the biennium 1992-1993 (A/C.5/47/40). The Secretary-General indicated that the needs of the programme will be reviewed in the context of the programme budget for the biennium 1994-1995. The General Assembly also requested the Secretary-General, in its resolution 47/91 of 16 December 1992, to support the operational activities and advisory services of the United Nations crime prevention and criminal justice programme, within existing resources from the regular budget commensurate to its high priority and importance, and to provide adequate funds to build and maintain the institutional capacity of the programme to respond to requests of Member States for assistance in this field. It also invited United Nations funding agencies to include such activities in their funding efforts and to cooperate with the programme in planning and implementing relevant activities, and called on Governments to increase their level of support.

I. CONCLUSIONS AND RECOMMENDATIONS

6. Operationalizing the programme requires clear objectives, viable strategies, long- and short-term planning, and resources. It also requires a realistic recognition that the resources to meet all needs will never be available, rendering prioritization essential. The Commission defined the general objectives to be pursued and it is equally for the Commission to determine the priorities within those objectives. What is required, subject to the need to be able to respond to requests arising in emergency situations, including peacekeeping operations, is a carefully phased plan of action, following an incremental approach, together with a level of resources commensurate with the importance attached to the programme by the world community, as enunciated in General Assembly resolution 46/152.

7. It is essential that the question of an institutional capacity to conceptualize, develop, deliver - either directly or indirectly - and evaluate technical cooperation projects and advisory services be addressed in response to the requests of both the Ministerial Meeting and the General Assembly. Unless the programme has at least some capacity to deliver its own technical cooperation and advisory services, it will continue to be dependent on better-funded programmes, such as those in the fields of human rights and drug control, leading to an emphasis on joint projects that may not be the desired emphasis of the Commission or the States involved. For example, in some countries, drug law enforcement administration is dealt with by bodies other than the general law enforcement administration. Assistance directed to the drug law enforcement administration will therefore not reach the whole spectrum of the intended target audience. Joint projects with the Centre for Human Rights of the Secretariat will invariably emphasize human rights aspects of the administration of justice according to its particular mandates, and yet not address the needs of Member States in increasing the level of professionalism of their police, lawyers, prosecutors, judges and others.

8. The Commission may wish to consider the following recommendations:

(a) Subject to requests arising in emergency circumstances and peacekeeping operations, the emphasis in operationalizing the crime prevention and criminal justice programme is to be placed high on the list of the priorities identified by the Commission;

(b) Overall plans identifying the respective needs, targets and possible donors should help to coordinate the assistance being provided;

(c) United Nations interregional and regional institutes and affiliated and associated institutes have done valuable work in training, research, information pooling and advisory services, are sources of substantial skill and expertise, and should be invited to participate in operational activities;

(d) Evaluation components should be included in all training projects, and meaningful measures of impact devised in accordance with the objectives of each training exercise;

(e) Close coordination with other United Nations programmes and with funding agencies should maximize efforts, raise awareness of crime-related needs, and increase the chances of further support;

(f) Model training and advisory services projects could be developed in light of the programme priorities and needs assessments, which could be adapted to particular national or regional conditions and requirements. An inventory of such projects could be compiled for circulation;

(g) The roster of experts, designed to assist in the delivery of operational activities, should be further developed and regularly updated. Evaluations of the work performed and of suitability for future missions or other assignments should be included. Basic training courses, core curricula, manuals and other training materials, as well as suitable training methodologies, can usefully be developed for application at various levels and to various target groups;

(h) United Nations peacekeeping and political mission personnel and their national counterparts could benefit from basic courses on United Nations norms and guidelines, designed to upgrade criminal justice practices. Direct assistance could be provided in areas of special need;

(i) Training programmes can be conducted at various levels: national, regional (or subregional) and international, and in a structured sequence (for instance, regional training followed by national courses);

(j) Action-oriented research and information exchange, particularly in the priority areas, is an important underpinning for policy formulation, and should be strengthened. Collaborative arrangements and projects carried out with scientific institutions and relevant organizations, as well as the United Nations institutes and affiliated and associated institutes, would extend the empirical base for decision-making;

(k) The United Nations surveys of crime trends and criminal justice operations, and country profiles, can help to improve national and international programming in this field, especially if projections and indicators (such as that of the dark figure) are included to allow forward planning;

(l) The capacity of the programme in crime prevention and criminal justice statistics and information-gathering should be further developed, including the use of electronic information networks;

(m) Information dissemination is necessary, to promote and increase awareness of other programme activities;

(n) Additional extrabudgetary contributions should be made available for carrying out technical assistance activities;

(o) UNDP and other financing agencies should be encouraged to increase their support for operational activities;

(p) A fund-raising campaign should be undertaken, with the support of the Commission and in cooperation with the United Nations institutes, affiliated and associated institutes and interested Governments;

(q) Special events, such as meetings of donors, should be organized and project proposals formulated for submission to Governments, international funding agencies and foundations.

II. ASSESSING COUNTRY NEEDS

9. In the recent past, Member States have communicated a variety of needs to the programme. While a comprehensive global survey of crime prevention and criminal justice needs, or of possible sources for meeting them, has not yet been conducted, sufficient information is available to identify the main areas in which technical assistance is needed. The information derives from a number of sources, including: interregional and regional institutes; the missions of the Interregional Adviser in Crime Prevention and Criminal Justice; regional and national seminars; assessments of United Nations regional institutes and affiliated and associated institutes and specific requests for assistance. Certain trends and patterns can be identified. Country needs obviously vary with national situations, systems and circumstances, but some requirements are recurrent, particularly among countries linked by a common history and traditions. They relate largely to significant global developments, such as the growth of transnational crime, the increasing difficulties of developing countries, including crime problems, and the effects that the transition to democracy and a market economy, particularly in Central and Eastern Europe, has had on criminal activities.

10. First, there is a growing realization that States can only effectively address the new forms and dimensions of crime through international cooperation. Many countries have explicitly recognized their inadequate capacity to face the new transnational forms of crime, particularly organized and economic crime, including corruption and money-laundering, environmental offences and increasing violence. The lack of qualified staff is a prevalent problem, and the training of criminal justice personnel a widely declared priority. There is a pressing need for expertise to deal with sophisticated new forms of criminality and for specialized personnel to handle criminal investigations and prosecutions. There have been requests for assistance in drafting legislation, in procuring equipment to enhance law enforcement capabilities, and in developing and applying bilateral or multilateral treaties and agreements (involving, for instance, mutual legal assistance in criminal matters, extradition and the transfer of proceedings and of prisoners). Interest in technical assistance to

deal with these concerns has been expressed both by individual countries and by groups of States.

11. Second, the limited capabilities of many developing countries have been further taxed by the growing demands on their criminal justice systems. They often operate under dated legislation and imported procedures that are ill-suited to their conditions and the contemporary realities of crime. Economic crises and competing development priorities have worsened crime problems in these countries. Widening economic disparities between and within countries have accentuated critical poverty and relative deprivation, which tend to be criminogenic and to augment the prison population, largely consisting of the disadvantaged. Community-based approaches are rooted in the traditions of many developing countries, and requests for assistance have been received to increase alternatives to imprisonment, such as community service, compensation to victims and dispute resolution, consonant with customary practices. As an investment in the future, countries have sought aid in dealing with juvenile delinquency and children in need of protection (such as street children). The technical assistance sought has the potential to reduce the negative impact of crime and to conserve human and material resources that could be used to advance development goals. More equitable criminal justice and effective crime prevention are also a means of reducing the human and material costs of crime and contributing to sustainable development and political stability.

12. Third, in countries in transition from a single-party to a multiparty political system, where protection of the State was formerly paramount, there is a move to institutionalize the observance of human rights and strike a balance between effective crime control and democratic principles. These countries aim at ensuring judicial independence, allowing greater flexibility and building public confidence in the administration of justice. The role and operation of the criminal justice system and its subsystems, including the police, prosecution, legal defence, courts, corrections and juvenile services, are under review. Some States, especially in Central and Eastern Europe, are engaged in comprehensive legislative reform and interested in guidance regarding, *inter alia*, penal codes and criminal procedure codes. Some countries wish to explore methods such as adversarial proceedings, the jury system, judicial supervision of incarceration and other means of curtailing abuse, including witness- and victim-protection schemes. They have made requests to the programme that would permit them to compare and test legal options (for instance, from continental or common-law systems).

13. Both developing countries and those in transition are eager to strengthen the empirical basis for their policy-making, including improved crime statistics, computerized records and procedures, and greater use of research. There is a widespread interest in policy guidance, expert advice, information and experience that can be adapted for particular national uses. Further, States wish to enhance their crime prevention capabilities, particularly in the urban context, including acceptable ways of dealing with civil unrest and ethnic strife. One broad goal is to establish greater police accountability, which would also increase the cooperation of the public. In several countries, the Interregional Adviser has proposed the establishment of multidisciplinary crime prevention coordinating councils and comprehensive planning for crime prevention and criminal justice, taking into account these disparate areas of need.

14. In sum, countries have expressed interest in the various means of technical assistance that the United Nations, its affiliated and associated institutes and other aid providers can offer. The United Nations is expected to

provide know-how, practical assistance and globally agreed standards of practice to upgrade national systems. It is incumbent on the Organization and on donor Governments to develop, together with the interested States, more humane and effective ways of dealing with crime.

III. MEETING NEEDS

15. Under current constraints, the crime prevention and criminal justice programme can respond only in extremely limited ways to the extensive needs identified by countries. The Commission at its first session recognized their requirements and the urgency of the situation and urged that they be met.* The assessment of needs and of the impact of any initiatives that may be undertaken will be part of the ongoing tasks of the new subprogramme on operational activities, planning and overall coordination, which also includes project formulation in response to incoming requests and appropriate follow-up. These functions require an institutional capacity currently lacking in the programme. The primary resource has been the Interregional Adviser, who is overcommitted and available only for short missions, whereas many countries require comprehensive longer-term aid. Under the circumstances, it has not yet been possible to develop suitable project proposals for submission to possible donor countries and funding agencies.

16. Other assistance rendered has consisted mainly of members of the Crime Prevention and Criminal Justice Branch who have served as ad hoc short-term resource persons, for example, for training seminars on human rights in the administration of justice (in Albania and Romania), but more systematic efforts concerning criminal justice issues are needed. How the programme can meet its commitments and help countries in spite of the persisting constraints is a matter to be addressed by the Commission and Member States. By focusing assistance on the priority areas identified by the Commission and the Council, strategic planning in this regard can be enhanced.

17. In operationalizing the programme, special emphasis in technical cooperation activities is being placed on the three areas assigned high priority by the Council in its resolution 1992/22, as reflected in the report by the Secretary-General on progress made in the implementation of that resolution (E/1993/10). In cases of urgent need, emergency assistance going beyond these areas, if necessary, is also to be extended. Coordination of such assistance at both the central and national levels, the latter perhaps through the United Nations country coordinator or special project coordinators, can optimize efforts and reduce overlap.

18. Improved national capacity and joint action by two or more States are both needed to counter growing transnational crime. The Commission and the Council have given this effort top priority, to be reflected also in the assistance

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*The Council in fact proposed, in its resolution 1992/22, "to concentrate the majority of programme resources on the provision of training, advisory services and technical cooperation in a limited number of areas of recognized need, taking into account the need for technical assistance to developing countries, in order to achieve a synergetic effect, allowing intense and effective use of materials, resources, and experience from both regular budgetary resources and voluntary contributions".

rendered to States. A number of legal instruments, such as the model treaties, already exist and could be put into effect. In one case, involving the Economic Community of West African States (ECOWAS), assistance was rendered to develop a convention on mutual assistance in criminal matters that has been adopted by a meeting of ECOWAS Heads of State; another convention, on extradition, is also contemplated. Other regional or subregional groupings could be similarly assisted, not only in developing the legislative framework for action in accordance with United Nations instruments, but also in the process of actual implementation.

19. Collaborative practical action by States against common crime problems could be developed. It was mentioned as a pressing need by the Ministerial Meeting on the Creation of an Effective United Nations Crime Prevention and Criminal Justice Programme, which noted that the United Nations offered a framework for such collaboration, but that steps should be taken to give it tangible shape. This might involve facilitating the development of practical arrangements between two or more States to establish joint preventive strategies and mutual assistance in pursuing and resolving relevant cases.

20. The expanding United Nations role in peacekeeping and the wider concept of security, outlined in "An agenda for peace", a report of the Secretary-General (A/47/277) pursuant to the statement adopted by the Summit Meeting of the Security Council on 31 January 1992, provide the context for major contributions by the crime prevention and criminal justice programme. Its small size and heavy workload have unfortunately limited its participation in certain missions and precluded its participation in others, notwithstanding that adequate crime prevention and criminal justice is a prerequisite to any process of peacekeeping. A strengthened capacity would permit wider involvement of the staff and experts associated with the programme to achieve those aims. The contribution of the programme to United Nations peacekeeping missions, as recommended by the Commission and the Council, have particular urgency. Recent United Nations interventions (for example, in Somalia) that have sought to ensure the delivery of humanitarian aid have been thwarted by violence, strife and other manifestations of lawlessness. Law enforcement and criminological expertise is essential in such missions. The programme could also provide specialized training for peacekeeping personnel engaged in primarily law enforcement activities, such as monitoring the activities of local agencies of public order with a view to avoiding abuses, observing United Nations standards and preserving the rule of law. One contribution made by the programme has been the development of a basic training course for personnel involved in peacekeeping operations.

IV. ADVISORY SERVICES

21. The Interregional Adviser is responsible for providing, during short missions, policy advice to Governments and suggestions for follow-up activities. The large number of requests for the services of the Interregional Adviser reflects the extensive needs of countries for technical assistance through advisory services. The increase in demand for the services of the Interregional Adviser is demonstrated by the 145 missions undertaken in the last 12 years, 30 of them in the past two years, although there were 50 requests for advisory services during the latter period.

22. To have a significant impact, the work of the Interregional Adviser must be developed through comprehensive planning, backstopping, developing project

proposals, fund-raising, monitoring the implementation of the advisory services and evaluating the results. The formulation of project proposals, in line with country requests and the recommendations of the Interregional Adviser, is complex and time-consuming work, requiring substantive expertise, experience in project preparation and familiarity with the country or region involved. A capacity to formulate project proposals has to be developed and available within the Secretariat.

23. The analysis of the needs articulated by various countries has revealed certain recurrent themes that fall within the priorities established by the Council on the recommendation of the Commission. These could serve as a basis for certain typical or model projects that could be adjusted to particular requirements. Appropriate components could also be developed for possible inclusion in multi-purpose projects designed to meet a range of development needs. This also requires the sensitization of national planning offices and resident representatives of the United Nations Development Programme (UNDP) to the needs and possibilities of assistance in this field, and to the priority accorded to them by United Nations policy-making bodies. Model projects could be developed, according to programme priorities and country needs, that can be adapted to particular national or regional conditions and requirements.

24. An inventory of technical assistance projects, including training and advisory services that the programme itself could deliver and support, could be compiled. It could be made available to Member States, as well as to United Nations bodies, through the Interregional Adviser or by other means.

25. Involvement of relevant United Nations bodies at the developmental stage would facilitate integrated and comprehensive projects. The two bodies most likely to be involved are the United Nations International Drug Control Programme (UNDCP) and the Centre for Human Rights. Where appropriate, collaborative advisory missions could be, and have been, undertaken, for instance to Albania.

26. A regularly updated roster of experts in the various areas of crime prevention and criminal justice is being compiled by the Secretariat. Designed as a resource tool for operational activities, the roster lists well-qualified experts with practical experience, their areas of specialization and familiarity with particular legal systems and cultures. Evaluations of the work they perform and their suitability for future missions or other assignments will be included as they become available. The list will be computerized for prompt access.

V. TRAINING ACTIVITIES

27. The Commission, at its first session, and the Council, in its resolution 1992/22, emphasized training and called on the programme to serve as a worldwide training network for developing countries with specific requirements, including the capacity to match training needs with the opportunities available to meet them. To accelerate human resources development in this field, training schemes are to include manuals, core curricula, training courses as well as workshops and seminars organized at various levels. The aim is to improve professionalism in all sectors of criminal justice management. Training in crime prevention and criminal justice planning in the developmental context can help formulate more effective policies, including urban crime control strategies, law reform, improved administration of justice, the application of

United Nations standards and guidelines, and an enhanced capacity to deal with the new forms and dimensions of crime. Training activities would be carried out on the basis of an overall planning process that would include needs assessment, determination of objectives, preparation, execution, evaluation and follow-up.

A. Training at the national and regional levels

28. At the outset, it is important to note that in addition to training activities conducted independently or with other United Nations bodies, it is also necessary for the programme to systematically develop its clearing-house and "brokering" functions, ascertaining the available training facilities and training needs, and determining the best ways to match them. It will also have to assess the extent to which existing training opportunities respond to the needs, their practical accessibility and the most cost-effective ways of meeting needs that are not covered or that are inadequately covered. The regional assessment of needs carried out by some United Nations institutes and affiliated and associated institutes can help in this regard. The survey of the activities of United Nations entities and intergovernmental and non-governmental organizations (E/CN.15/1993/2) has provided information on their training and other activities.

29. Basic training courses could be developed for different categories of personnel and for various problem areas, and adapted to specific country requirements and circumstances. In spite of differences in legal systems or cultural specificities, there are certain common principles that can be widely applied. Most of them are contained in the United Nations norms and guidelines; others can be distilled from the "best available practice", taking account also of indigenous approaches. Some core curricula already exist in selected areas, contained in United Nations manuals and guides (for instance, those on measures against corruption, on computerization of criminal justice; on dealing with domestic violence, and on the prevention and investigation of summary and arbitrary executions). Some of them have been developed with the help of interested Governments, United Nations institutes and affiliated and associated institutes, and professional organizations (for instance, the Guide for Practitioners Regarding the Implementation of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (A/CONF.144/20, annex)).

30. The United Nations regional institutes and affiliated and associated institutes for the prevention of crime and treatment of offenders have carried out a wide variety of training programmes and accumulated valuable experience. The curricula employed and the reports and training materials produced are resources that could be drawn upon, especially if systematized and supplemented. Assistance is also to be provided by the technical committees operating under the auspices of the International Scientific and Professional Advisory Council (ISPAC), applying, for example, the curriculum on the administration of justice developed with the International Institute of Higher Studies in Criminal Sciences, which is an annotated version of United Nations standards and norms to be used for training purposes.* National training manuals,

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*The UNDP programme for the Transfer of Knowledge Through Expatriate Nationals (TOKTEN), which enlists the services of expatriate professionals as expert advisers, could be drawn upon _inter alia_ for the purpose of training using existing and future material.

special guides and materials developed for specific target groups and occasions could facilitate the organization of training programmes and the actual training process.

31. National systems can also be improved and harmonized through regional and subregional training activities designed to promote the application of United Nations standards and norms. They have been used by the regional institutes in training courses and seminars in various areas. Some of the institutes (such as the African Institute for the Prevention of Crime and the Treatment of Offenders (UNAFRI) and the Latin American Institute for the Prevention of Crime and the Treatment of Offenders (ILANUD)) have organized training courses on human rights in the administration of justice in cooperation with the Centre for Human Rights. More recently, a joint seminar with the Helsinki Institute for Crime Prevention and Control, affiliated with the United Nations (HEUNI), and the International Centre for Criminal Law Reform and Criminal Justice Policy was held in Slovakia for law enforcement and other criminal justice personnel from Eastern Europe. These prototypes could be utilized to develop model curricula, based on the United Nations guidelines, perhaps with regional or subregional commentaries to make them still more relevant.

32. Comprehensive overview courses and seminars might be developed to provide a larger context for more specific training. Several model programmes could be initiated, such as the following: seminars and courses on crime prevention and criminal justice planning in the context of development, where training experience already exists; training courses on dealing with new transnational forms of crime, administered nationally or for groups of interested States, supplemented by training for specific categories of personnel; seminars on crime prevention strategies and criminal justice management for countries in transition; and a workshop on applying United Nations guidelines and norms, including models of implementing legislation and problem-oriented discussion to explore ways in which the necessary reforms could be achieved.

33. Suitable training methodologies could be developed, using an interdisciplinary approach and a range of methods, including case-studies, lectures, audiovisual aids and discussions in small groups. Where a larger or dispersed training group is involved, new technologies and mass-media and audiovisual techniques, including videotapes, could be employed. Emphasis would be placed not only on imparting the necessary information and skills, but also on promoting attitude change.

34. Evaluation components should be included in all training projects, and meaningful measures of impact devised in accordance with the objectives of each training exercise. Appropriate follow-up and careful monitoring will determine whether the desired multiplier effect is being achieved. The expansion and replication of national training initiatives using local trainers, personnel exchanges, correspondence courses (once these are developed) and the mass media to elicit public support and understanding for the changes being promoted can broaden efforts to upgrade the public services involved. For example, careful selection of candidates for training, especially as future trainers can increase the chances of success.

35. To obtain lasting results, special briefing sessions could be arranged for the decision makers, to enable them to translate the principles espoused into actual policy. Compartmentalization of the subsystems of criminal

justice can be reduced, and collaboration and overall system functioning enhanced by joint training in areas of common concern. Where possible, comprehensive training projects should be included in the UNDP country programmes, as a way of augmenting national capacities and promoting sustainable development. The priority given by UNDP to management development and the transfer of technology argues for increased investment in fair and efficient criminal justice systems as part of national capacity-building.

36. Training for countries with similar systems and traditions, conducted on a regional or subregional basis, makes better use of scarce resources and offers a comparative perspective that can broaden vistas and the response repertory. It can also help to harmonize legislation and actual practice, and foster common strategies against crime problems of mutual concern. The latter aspect has not yet received the necessary attention, though some beginnings have been made. This aim could also assist the efforts of UNDCP in promoting the regional and subregional approach (apart from meetings of Heads of Narcotics Law Enforcement Agencies) and foster joint training activities, in pursuance of resolutions calling for close cooperation between the crime prevention and drug control programmes. However, if more than only the framework for concerted action against transnational forms of crime is to exist, as stressed by the Ministerial Meeting and the General Assembly in its resolution 46/152, then training to foster mutual assistance in criminal matters, collaborative law enforcement and other kinds of regional or subregional cooperation must be instituted. The readiness of countries for this kind of training enterprise is reflected in the request of ECOWAS countries for a United Nations training programme to assist in the implementation of a convention based on the Model Treaty on Mutual Assistance in Criminal Matters 2/ and an envisaged convention on extradition.

37. Basic training programmes at the regional and subregional levels might be envisaged, to be carried out where possible in cooperation with the United Nations institutes and affiliated and associated institutes. It is hoped that closer coordination among the institutes and between them and the Crime Prevention and Criminal Justice Branch of the Centre for Social Development and Humanitarian Affairs, United Nations Office at Vienna, as well as with funding agencies, will facilitate this approach, and that the latter will devote increased attention to crime-related needs, as called for by the General Assembly in its resolution 46/152. Special projects carried out by the institutes under earmarked grants could include a training component to be executed in cooperation with sister institutes and the Branch, given additional funding.* Strengthened regional and subregional training capabilities and exchanges within and between regions would help to expand the operational reach of the programme.

38. Positive experience has already been gained with courses and seminars on planning for crime prevention and criminal justice in the context of development, held at the Latin American Institute in 1988 and more recently at the African Institute. The comprehensive discussion guides prepared for, and

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*For instance, the Latin American Institute has a project on women and justice, and could organize relevant courses on such topics as the application of the guidelines contained in Strategies for Confronting Domestic Violence: a Resource Manual (forthcoming United Nations publication), which could be replicated elsewhere with the assistance of the United Nations Development Fund for Women.

the reports on, those activities provide basic training materials that could be further elaborated.* While most of the issues considered are common to different regions, special problems and concerns could be highlighted. Joint seminars for crime prevention and criminal justice specialists and national development planners proved most fruitful and might well be replicated. The relevance of effective yet humane crime control to development and a better quality of life (and, conversely, the inclusion of crime as a major factor in the index of social distress used in the UNDP _Human Development Report_) underline its importance in the mainstream of United Nations concerns and development aid, as stressed by the General Assembly and the Council, in its resolution 1992/22. The sensitization of planners and policy makers to crime-related issues, together with the training of criminal justice personnel in the techniques of strategic planning and management, would promote dialogue and collaboration between them, ensuring a more rational allocation of resources and a more functional and coherent approach. Sensitization might also foster the inclusion of assistance in this area in the regional and country programmes formulated by planning offices.

B. Interregional training initiatives

39. The transfer of accumulated training knowledge between regions is an exercise in which the Branch has a central role to play. While some institutes (such as the African Institute) have had occasional participants from other regions, there has been little cross-regional feedback. This can be remedied through a continuing, institutionalized information flow and consolidation of the experience gained, for mutual benefit. Some Governments support projects in institutes outside their own regions (for instance, training for drug abuse prevention and control given at the Latin American Institute with the assistance of the Japan International Cooperation Agency). Other means to obtain cross-regional impact would include the translation and adaptation of materials for training activities in other regions or subregions, as well as innovative approaches based on the evaluation of the results obtained.** The expertise gained through training activities at the regional level could be put to common use and further developed in line with particular needs. The closer coordination of the work of the institutes could include parallel or combined training initiatives, with comparative assessments and pilot schemes utilizing new forms of training. For example, joint courses could be organized using teleconferencing and other technological advances, as well as diversified educational techniques, undertakings that would profit from the input of relevant agencies and organizations, teaching establishments, information technology providers and interested Governments.

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*For a discussion guide, see _ILANUD al Día_, vol. 8, Nos. 21-22 (1988), pp. 90-131. See also _Seminario sobre Planificación de la Política Criminal dentro de los Programas de Desarrollo Nacional en Latinoamérica_ (San José, Latin American Institute for the Prevention of Crime and the Treatment of Offenders, 1976) and "Report of the Seminar on Planning for Crime Prevention and Criminal Justice in the Context of Development" (Kampala, African Institute for the Prevention of Crime and the Treatment of Offenders, 1987), covering the Seminar organized by the African Institute and held at Addis Ababa in 1987.

**The planning courses held at the African Institute and the Latin American Institute have included such evaluation components.

40. Interregional training courses and seminars were organized in the past in key areas such as crime prevention and criminal justice planning in the context of development (the subject of a 1986 training course organized by the African Institute), juvenile delinquency prevention, 3/ and measures against corruption in government. 4/ These collaborative projects, executed together with the Department of Technical Cooperation for Development of the Secretariat, produced valuable results. Those stemming from the interregional training courses on planning organized in cooperation with the Australian Institute of Criminology, and encompassing both criminal justice systems and cross-sectoral planning, 5/, 6/ could be updated and used for further training in this sphere, since the basic principles still apply. However, for maximum impact, sustained training efforts are necessary, including consistent follow-up.

41. Some seminars, for example those sponsored by the United Nations Interregional Crime and Justice Research Institute (UNICRI), have sought not only to impart knowledge, but also to upgrade research skills, especially of participants from developing countries (such as those involved in the United Nations surveys of crime trends and operations of criminal justice systems). Such has been the case in some seminar-type meetings organized in cooperation with interested Governments, for instance on computerization in the administration of criminal justice.* But clearly much more must be done if this is to have a real impact. While interregional training projects may not produce large numbers of qualified cadres, they can at least start the process by involving key personnel, preferably including policy makers, in training efforts that will trickle down or can be packaged for future replication. This is particularly true of training in the priority areas identified by the Commission, where interregional seminars or courses could set the main directions that could be further elaborated in training initiatives at the regional and national levels.

C. Training for peacemaking and peacekeeping

42. The report of the Secretary-General on the work of the Organization, submitted to the General Assembly at its forty-seventh session, stressed the importance of social peace as a complement to international peace. Adherence to the rule of law, basic tenets of justice and strict observance of human rights are crucial elements, often missing under conditions of acute conflict and the absence of democratic traditions. Commitment to a humane, just and effective system of justice must exist. Intensive preparation is necessary, including legislative assistance, training or retraining to create qualified civilian police, independent prosecutors and judges and a professional corrections administration. Training in crime prevention and the administration of justice has also been demonstrated as essential to good governance of new States.

43. The United Nations norms and other instruments in crime prevention and criminal justice provide a useful basis for an introductory training course for peacekeepers and courses or training modules on specific topics. The Branch has prepared a basic course to be inserted into a training package being prepared by the Staff Administration and Training Division of the Office

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*The Guide to Computerization of Information Systems in Criminal Justice (United Nations publication, Sales No. E.92.XVII.6) was reviewed at an ad hoc expert meeting held at Ottawa from 27 November to 1 December 1989 at the invitation of the Department of Justice of the Government of Canada.

of Human Resources Management of the Secretariat for United Nations peacekeeping personnel prior to their taking up duty. A more detailed course directed at peacekeeping personnel with primary or supervisory responsibility for matters pertaining to crime prevention and criminal justice is to be developed. A meeting organized by the Branch with the United Nations Protection Force (UNPROFOR) held on 27 and 28 February 1993 at Graz, Austria, brought together senior civilian police supervisors from a number of peacekeeping operations. The development of the future course will draw heavily on the experience of the meeting.

44. The depolitization and professionalization of the police and other criminal justice personnel is a key task in which the United Nations crime prevention and criminal justice programme has assisted. The above-mentioned meeting at Graz demonstrates the ongoing commitment of the programme to that task. The promotion of modern law enforcement approaches, such as problem-oriented and community policing, is important in this effort, as is the goal of building public confidence and bringing the agents of "law and order" closer to the people. This also means greater faith in the impartiality of the courts and fairness in the administration of justice, which United Nations standards seek to ensure.

45. As important as familiarity with essential United Nations principles is the furtherance of appropriate attitudes and development of the requisite skills. In the case of peacekeeping or law enforcement personnel (both the United Nations force and local counterparts), there may be some confusion about the role to be discharged and expectations to be fulfilled. These should be clarified. A definition of the objectives and specific guidelines, applicable to particular situations, would be a useful complement to the basic training module intended to promote the observance of United Nations crime prevention and criminal justice norms. Principles of humanitarian law and practice could also be included in the syllabus, developed with the assistance of such bodies as the International Committee of the Red Cross, the Henri Dunant Institute and the San Remo Institute of Humanitarian Law.

46. Conflict resolution methods could be learned in problem-solving workshops, and crisis intervention techniques could be utilized to help ensure the safety of vulnerable targets and curtail victimization. Institutions specializing in conflict resolution could be enlisted to help design a basic training package in cooperation with the Branch and the Staff Administration and Training Division, which has already offered courses of this kind. United Nations mediators have been prominently involved in United Nations peacemaking and peacekeeping, but such skills need to be more widely developed among the United Nations mission personnel. Some precedents already exist that could be extended. For instance, an officer of the Branch contributed to the national reconciliation programme in Namibia. A pool of United Nations trainers in this area, and the inclusion of relevant elements in pre-mission and in-service programmes, would permit further inroads to be made. Effective follow-up of Council resolution 1990/22, calling for such approaches and an integrated mechanism* to curtail

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*It is hoped that this endeavour can be further advanced at the forthcoming meeting of the ISPAC technical committee on victimization prevention, non-violent conflict resolution and victim protection, to be held at Onati, Spain, in May 1993, which will bring together United Nations entities and professional organizations concerned, and will deal, _inter alia_, with training.

serious abuses, would help to secure this goal and reduce the human toll. These elements should also be included in humanitarian assistance and proposed projects to provide social support services (for example, in the former Yugoslavia).

47. The contribution of the Branch to the United Nations Transitional Authority in Cambodia (UNTAC) and the rebuilding of that country reflects the operational potential of its work. The Chief of the Branch, who is serving as Director of Civil Administration of Phnom Penh Province, advised on the new penal code and law of criminal procedure, adopted by the Supreme National Council. A code of conduct for public officials and a manual for training criminal justice personnel were also developed, with emphasis on United Nations norms and guidelines. With other relevant training materials, these were used in a joint seminar organized by UNTAC and the Branch for judges, prosecutors and the police.* This course is to be replicated so that a core of qualified officials can be formed to train future cadres.

VI. EMERGENCY ASSISTANCE

48. The need for emergency assistance should also be envisaged. The Commission and the Council have stressed the need for a capacity to meet requests for such assistance as they arise. This could include ad hoc teams to help national or local authorities deal with escalating violence and organized crime, including assistance to the victims. Xenophobic outbreaks characterized by criminal violence against refugees and other "strangers" have become a frightening reality in some developed countries, and elsewhere, too, refugees and displaced persons pay a high price, because of their illegal status and discriminatory treatment by the criminal justice apparatus.

49. Relief efforts, as well as regular development assistance, are more likely to reach the intended recipients if they include measures to reduce fraud and diversion of aid. This has been a serious problem in many cases, increasingly recognized by donor agencies. With their help, crime prevention and control components could be built into technical and humanitarian assistance projects and special training could be provided. The manual on practical measures against corruption (A/CONF.144/8) could be utilized for this purpose, supplemented by provisions for quality control of aid programmes. This touches broader problems of corruption endemic in some areas, and requires not only formal training but a reorientation of attitudes. International aid providers, however, can at least set a good example and minimize bribery and corruption in the procedures within their purview, a task that would be facilitated by appropriate training.

VII. OPERATIONAL RESEARCH AND INFORMATION GATHERING AND EXCHANGE: STRENGTHENING CLEARING-HOUSE FACILITIES

50. The General Assembly, in stipulating criteria for decision-making, in its resolution 46/152, stressed the importance of empirical evidence, including

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*For details on the involvement of the programme in other such missions, for example in El Salvador, South Africa and the former Yugoslavia, see the report of the Secretary-General on progress made in the implementation of Council resolution 1992/22 (E/1993/10, paras. 41-46).

research findings and other information on the nature, extent and trends of crime, and the cost of various forms of crime and crime control, including their impact on the development process. The Council, in its resolution 1992/22, called for the promotion of policy-oriented studies on topics of interest to the Commission as well as to individual States or groups of States. The reports submitted to the Commission on the impact of organized crime and on the control of proceeds of crime have relied, like others, largely on literature surveys, but this is inevitable given the present resource constraints.

A. Operational research

51. Action-oriented research projects, undertaken under the aegis of both UNICRI and ISPAC, could further extend the empirical base of the crime prevention and criminal justice programme and provide a more solid foundation for the work of the Commission and the deliberations of the United Nations congresses on the prevention of crime and the treatment of offenders. So could the results of pilot and demonstration projects carried out in the context of technical assistance. Evaluation of the progress achieved in the application of United Nations policy guidelines and other relevant reforms of national systems, as well as assessments of overall programme effectiveness, are a critical research task and adjunct to operational projects. Indeed, an evaluation component must be built into all technical cooperation projects and other activities in order to optimize the results and provide feedback for possible adjustments to be made.

B. Information network and clearing-house services

52. The Council, in its resolution 1992/22, called for the further development of the clearing-house facilities of the programme. It also urged the expansion of the United Nations Criminal Justice Information Network (UNCJIN) by inviting Governments, interregional and regional organizations, other relevant entities and the private sector to join and support the UNCJIN financially and logistically as a viable instrument for the dissemination and exchange of information and transfer of knowledge for improved criminal justice management and more effective crime prevention. The programme was requested to determine, in cooperation with Governments and the United Nations institutes and affiliated and associated institutes, categories of information to be supplied to, and exchanged through, UNCJIN, taking into account the priorities specified by the Council. It is also to cooperate closely with various national, regional, interregional and international institutions and agencies to develop the roster of experts in crime prevention and criminal justice, as part of the clearing-house functions or for such other purposes as the Commission may decide.

53. Since its creation in 1989, UNCJIN has been supported through the assistance of the School of Criminal Justice of New York State University at Albany and a grant from the United States Bureau of Justice Statistics. It currently has some 300 members, mainly in developed countries, and contains a number of databases, primarily those emanating from the United Nations surveys of crime trends and operations of criminal justice systems. In order to serve its intended purpose and allow the programme to discharge its clearing-house functions, more has to be done. The system is still rudimentary, with limited geographical coverage and must be further developed. The World Criminal Justice Library Network and the clearing-house of information from non-governmental organizations and the academic community, established under the aegis of ISPAC and the Centro Nazionale de Prevenzione e Difesa Sociale at Milan could offer additional possibilities, but they have to be developed and

integrated into the overall system. Material and technical support should also be provided to developing countries, so that they can establish or upgrade their statistical and computer capability, as well as their research and information-gathering capacity in the crime field, and utilize UNCJIN.

C. Surveys of crime trends and operations of criminal justice systems

54. The General Assembly, in its resolution 46/152, requested Member States to provide the Secretary-General, on a regular basis and upon request, with data on the dynamics, structure and extent of crime and on crime prevention strategies and criminal justice operations in their respective countries. The three world surveys carried out to date have yielded valuable information on the crime situation and methods used to deal with it in the different countries. They have also permitted the development of a global perspective and regional profiles that facilitate comparative analysis and informed policy-making. The usefulness of the surveys, however, has been limited by the fragmentary nature of some of the replies and difficulties faced by some developing countries in responding. The delay in the responses and in the production of the final five-year survey results has created a time-lag that impairs their topicality. Improved biennial surveys were mandated by the Commission and Council as a means of obtaining and providing an updated cross-national picture of crime in the world, including its transnational forms, and countermeasures. The surveys, to be carried out in collaboration with the United Nations institutes, affiliated and associated institutes and other United Nations entities, and regularly published and disseminated (starting with the biennium 1994-1995), should provide an empirical guide for national, regional and international efforts, including technical assistance.

55. The reports will also draw on the results of victimization studies, along with other empirical data and research findings, including the identification of emerging trends through forecasts or projections. National experience in the preparation of these reports on the state of crime and justice is also being sought to complement the results, which will be submitted to the Commission and the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, to be held in 1995. The country profiles currently available in an electronic format will be updated with the possible assistance of the institutes. This cumulative information should make it possible to track trends and to project them, facilitating proactive planning. Member States would thus be helped to mount suitable preventive and counterstrategies, as called for by the General Assembly, the Commission and the Council.

56. Information on United Nations crime-related work should be more widely disseminated to interested government agencies, organizations and experts, particularly on the instruments and standards developed under the programme, training initiatives and other technical cooperation possibilities. The national correspondents could aid in that function and provide feedback on technical assistance prospects. A study is also under way to enhance the publications programme.

VIII. FUNDING OF OPERATIONAL ACTIVITIES

57. The Commission's expectations of the programme and the operational functions that it is to fulfil necessitate a strengthened institutional capacity, with at least a minimum of operational staff. This institutional capacity is required for a wide range of tasks, including conceptualization, planning,

formulating, developing, promoting, monitoring, coordinating, evaluating and following up operational activities, advisory services and training; selecting, setting terms of reference for, supervising, substantively supporting and evaluating experts; coordinating the involvement of the institutes and integrating their work into that of the programme; and mobilizing the support necessary to ensure a basic level of aid. The gap between the extensive needs in this field and limited institutional capacity must be reduced.

58. The General Assembly, in its resolutions 46/152 and 47/91, and the Council, in its resolution 1992/22, requested the Secretary-General to take the necessary measures to commit the human and financial resources necessary to strengthen the programme as a whole, with emphasis on designing, implementing and monitoring technical cooperation projects at various levels. They also accorded high priority to the programme and called for an appropriate share of United Nations resources.

A. Regular budget

59. In recommending the establishment, within programme 29 of the medium-term plan, of a subprogramme on operational activities, planning and overall coordination, the Council invited the Committee on Programme and Coordination and the Advisory Committee on Administrative and Budgetary Questions to ensure proper follow-up of this recommendation. It also requested the Secretary-General to reflect these changes in his revised estimates under section 21 of the programme budget for the biennium 1992-1993 and subsequent bienniums, and the General Assembly to consider arrangements for funding programme support, taking into account the practices elsewhere in the United Nations system.

60. Following a management review, the Secretary-General recommended a strengthening of the staff by two P-4 and one P-3 posts to be accommodated through temporary redeployment from other sections of the programme budget. The temporary redeployment of the three posts was limited for 1993 only. The Secretary-General further proposed to give consideration to the upgrading of the Branch in the context of the ongoing review of the economic and social sectors. In particular, the preparation of the programme budget for the biennium 1994-1995 would provide an opportunity to review thoroughly the overall post requirements of the crime prevention and criminal justice programme (A/C.5/47/40).

B. Extrabudgetary funding

61. The General Assembly, in its resolution 46/152, sought to encourage developed countries to review their aid programmes in order to ensure "a full and proper contribution" in the field of crime prevention and criminal justice within their overall development priorities. The pervasive need for police training and retraining in developing countries and those moving towards democracy, undergoing major socio-economic reforms and facing new forms of transnational criminality, cannot be ignored. Law enforcement personnel have the potential to be in the vanguard of action to curtail these forms of crime, but may be unprepared to deal with them or unsure of how to perform the task of control in a just and fair manner. This is true also of other components of criminal justice and crime prevention systems.

62. Funds for operational activities from the regular United Nations budget would have to be supplemented by extrabudgetary contributions, channelled through the United Nations Crime Prevention and Criminal Justice Trust Fund.

The cooperation of Governments, United Nations funding agencies and other relevant institutions was to be enlisted to expand the base of operations and practical assistance to interested Members States. If reliance is to be placed primarily on extrabudgetary means, then greater responsiveness of United Nations funding agencies to the needs and requests in this field will be necessary.

63. Ways are being explored to cooperate with UNDP regarding law enforcement-related assistance, and to ensure that the linkages between development and criminal justice issues are recognized in future projects. It is noted that the World Bank has recently financed a project that includes upgrading criminal justice management in Argentina. Furthermore, in 1992, UNDP launched Capacity 21, a major programme initiative for capacity-building in developing countries, which recognizes the need for fully integrated development strategies that are sustainable economically, environmentally and socially. Sustainability requires honest and competent criminal justice professionals and well-managed criminal justice systems. In the context of Capacity 21, the programme will seek to emphasize to UNDP the role of crime prevention and criminal justice as an essential element of the development process. In addition to UNDP, innovative partnerships to finance operational activities could be explored with the Department for Development Support and Management Services, the World Bank, the Organisation for Economic Co-operation and Development, regional development banks and other funding agencies.

C. New funding arrangements

64. New funding arrangements for United Nations operational activities have been suggested by a number of Member States. These might also be utilized for the crime prevention and criminal justice programme. Should such an approach prove feasible, it would include stable funding from the regular budget and programme support costs, in accordance with the practices elsewhere in the United Nations system and pursuant to the recommendation of the Council in its resolution 1992/22, section V, paragraph 2. It might also involve assessed, negotiated and voluntary contributions, if - as recommended by the above-mentioned Member States - this kind of combined financing becomes an accepted formula within the Organization.

65. The Commission and the Council proposed the organization of special events that would bring together donor countries, recipient countries and funding agencies.* They recommended broadening the base of financial support for the programme by approaching intergovernmental and non-governmental organizations, foundations, academic institutions and the private sector. This would be a major effort necessitating proper planning, an inventory of project proposals, determination of interest in them and direct consultations with prospective donors, particularly those whose contributions would generate further support. Some, like the Government of Italy, have, in addition to supporting UNICRI, provided funds for strengthening technical and scientific cooperation, including the participation of non-governmental organizations and the professional community in programme execution. Others, such as France, are exploring ways

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*The first such meeting focused on coordinated assistance for States of Central and Eastern Europe. It was organized in cooperation with the Helsinki Institute for Crime Prevention and Control, affiliated with the United Nations, and held at Vienna on 11 and 12 February 1992.

to expand human and financial operational capabilities. Still others have seconded experts for missions or junior officers for the programme and sponsored meetings, as have some associated centres. Such initiatives are appreciated and can usefully be replicated. With sufficient, systematic support, a comprehensive operational action plan could be developed, with related cost estimates, for which collaborative financing and innovative forms of support could be sought. It is hoped that if, as planned, coherent projects are developed, integrating various modalities of aid and possible donors, the United Nations funding agencies and others will be more responsive and forthcoming with their assistance in this field.

66. An effective strategy to obtain an appropriate share of development assistance funds for this sector will require sound arguments as to its relevance and importance. Recent events have further revealed the detrimental effect of crime on the development process and the handicap under which crime control agencies operate in many countries. Security through adequate crime control and effective justice, once viewed as peripheral concerns - a recurrent overhead - has assumed centre stage as a priority on both the national and international agendas. It is increasingly realized that its neglect can have serious consequences and thwart sustainable development.

Notes

1/ See A/46/703 and Corr.1.

2/ Resolution 45/117, annex, of 14 December 1990.

3/ "Report of the International Seminar on the Prevention and Treatment of Juvenile Delinquency through Community Participation, Beijing, 19-24 October 1988" (TCD/SEM.89/4).

4/ "Corruption in government", report of an interregional seminar held at The Hague from 11 to 15 December 1989 (TCD/SEM.90/2).

5/ See William Clifford and others, Planning Crime Prevention (Lexington, Massachusetts, Lexingtom Books, 1976), based on the proceedings of the First Interregional Course on Social Defence Planning, held at Canberra in November 1975.

6/ See William Clifford and others, Plotting and Planning (Australian Institute of Criminology, Canberra, 1979), proceedings of an international course in crime prevention planning.